

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRWP-4489-2020 (O&M)
Date of decision : 25.09.2020**

BANDANA RANI

.....Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. RituPunj, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Senior DAG, Punjab.
Mr. M.S. Cheema, Advocate for respondent Nos.5 and 6.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present criminal writ petition has been filed under Article 226 of the Constitution of India praying for a writ in the nature of habeas corpus for the release of minor detenue, Natasha, aged about 16 years from the illegal custody of respondent Nos.4 to 6 and for appointing a Warrant Officer for the search and release of the detenue.

It is stated that the daughter of the petitioner was recovered and the accused was arrested. The same also finds noted in the order dated 25.08.2020.

The present petition though has been rendered infructuous in view of the fact that the only prayer was for release of the minor detenue, however, certain facts have been brought on record which have necessitated the passing of further orders.

It has now been brought on the record that the minor daughter of the petitioner is 08 months pregnant. The learned Counsel for the petitioner would contend that there has been laxity on the part of the official respondents in securing the release of the detenue and as a result

the minor daughter of the petitioner is not in a position to get the unborn child aborted. The learned counsel would further contend that the official respondents should compensate the minor daughter of the petitioner and that she has no means to take care of her pregnant daughter being a poor lady who had now been turned out of her house because of the minor daughter having disappeared with the accused. The said fact regarding the pregnancy of the minor daughter of the petitioner is not disputed by the State. However, the statement of the learned counsel for the petitioner that the petitioner has been turned out of the rental accommodation and is residing in a corner of the factory with her pregnant minor daughter is factually disputed by the learned State counsel.

Keeping in view that the life and health of a minor child is at stake in the present case, especially in view of the fact that she is also found to be 08 months pregnant, without commenting or going into the question whether there has been laxity on the part of the official respondents in securing the release of the minor daughter of the petitioner, purely on a humanitarian aspect, I deem it appropriate to direct that the petitioner and her pregnant minor daughter be shifted to the Nari Niketan till two months after the delivery by the minor daughter. Further, the State shall ensure that all necessary arrangements are made for a safe delivery of the child by the pregnant minor daughter of the petitioner. The State shall also ensure that the pregnant minor daughter of the petitioner is taken for regular medical check-ups and is admitted to a civil hospital/Government Hospital for a safe delivery.

The prayer made by the learned counsel for the petitioner that her pregnant minor daughter needs to be compensated for the laxity

shown by the State of Punjab cannot be gone into by this Court in the present writ petition. It would, however, be open for the petitioner to raise her claim before the appropriate authorities/Court of Law in accordance with law.

With the above directions, the present petition is disposed off.

September 25, 2020
kv

(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No