

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-4708-2020

Date of Decision:-06.08.2020.

Lovepreet

.....Petitioner

Versus

State of Punjab and others

.....Respondent

**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR**

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Present: Mr. Anuj Dewan, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Additional A.G., Punjab.

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**SANJAY KUMAR, J. (Oral)**

The petitioner seeks a writ of habeas corpus directing the respondent authorities to produce her before this Court on the ground that she has been illegally detained by the Nari Niketan Trust, Jalandhar, the second respondent, against her wishes. It is her case that she made repeated requests for her release, after attaining the age of majority, but to no avail. The date of birth of the petitioner, as per her Aadhar card, is 14.04.2002.

Perusal of the material placed on record reflects that an order was passed by the learned Judicial Magistrate First Class, Moga, on 06.01.2019 in relation to FIR No.261 dated 31.12.2018 on the file of Police Station City South, Moga, registered under Sections 363 and 366-A IPC, whereby the petitioner was sent to the Nari Niketan at Jalandhar. This order

demonstrates that the petitioner expressed her disinclination to return to her

parents and as she was more than 16 years of age at that point of time, the learned Magistrate directed the police to take her to the Nari Niketan, Jalandhar, where she was to be kept till her majority/further orders/consent. The learned Magistrate further recorded that the petitioner had been apprised of the right to return to her house as and when she desired, after stating such desire to the Court. The detention of the petitioner at the Nari Niketan, Jalandhar, is therefore traceable to the aforestated judicial order. Even if the petitioner attained the age of majority on 14.04.2020, it cannot be stated at this stage that she is being held in illegal detention by the Nari Niketan at Jalandhar. The judicial order did not state in clear terms that she was to be released straightaway upon attaining majority. This ambiguity in the order justifies further orders being sought from the learned Magistrate.

According to Mr. Anuj Dewan, learned counsel, the petitioner as well as one police Constable, by name, Daljeet Kaur, filed applications before the learned Magistrate in relation to the custody of the petitioner but no orders have been passed thereon. If the complaint of the petitioner is with regard to judicial inaction, her remedy lies elsewhere but, by no stretch of imagination, can the Nari Niketan at Jalandhar be accused of illegally detaining her.

The writ petition, as framed, is therefore utterly misconceived and is accordingly dismissed.

No order as to costs.

**(SANJAY KUMAR)**  
**JUDGE**

**August 06, 2020.**

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.