

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

CRWP-5802-2021 (O&M)

Date of decision: 29.06.2021

Muskan and another

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM : HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ranesh Bansal, Advocate
for the petitioners.

HARINDER SINGH SIDHU, J.

Present criminal writ petition has been filed under Article 226/227 of the Constitution of India seeking direction to respondent Nos.1 to 3 to provide protection to the lives and liberty of the petitioners at the hands of private respondents No.4 to 9.

In brief, the facts as stated in the petition are that the date of birth of petitioner No.1 is 10.12.2004 while date of birth of petitioner No.2 is 01.01.2000. Copies of Aadhar Cards of petitioner Nos.1 & 2 to this effect are attached as Annexures P-2 and P-3 respectively. It is stated that Muskan - Petitioner No.1 is minor and her parents wanted her to marry a person of their choice. On 06.10.2020, her parents took her to Gohana, District Sonapat to solemnise her marriage with one Naveen s/o Sheelo. Petitioner No.1 informed petitioner No.2 about the same, who made a complaint to SHO Gohana. The Police raided the premises and

the marriage ceremony was not allowed to be completed as petitioner No.1 was not of marriageable age and the marriage was being solemnized against her wishes. Thereafter, parents of petitioner No.1 (respondents No.5 and 6) brought her back to Jind and threatened her with dire consequences. In December, 2020 they again wanted to solemnize the marriage of petitioner No.1 against her wishes. Because of this on 18.12.2020 petitioner No.1 left her parental home and joined the company of petitioner No.2 and since then, both of them are residing together. They have decided to live together till petitioner No.1 attains the marriageable age and then marry. They are constantly on the move as they apprehend danger to their lives from the private respondents. The petitioners have submitted representation dated 18.06.2021 (Annexure P-1) to respondent No.2 seeking protection of their lives and liberty at the hands of the private respondents, but there has been no response.

Notice of motion at this stage only to respondents No.1 to 3.

Mr. Pankaj Middha, Addl. A.G., Haryana accepts notice on behalf of the respondents No.1 to 3 – State.

Without expressing any opinion on the merits of the case respondent No.2 is requested to look into the representation dated 18.06.2021 and take necessary action in accordance with law to ensure the safety of the lives of the petitioners.

I have interacted with Petitioner No.1 through video conferencing. She has categorically stated that she does not want to go back to her parents but wishes to stay with petitioner No.2.

Considering the fact that Petitioner No.1 is a minor aged

about 16 years and six months (her date of birth is 10.12.2004) and she does not want to go back to her parents, it would be in the interest of her safety and welfare that she is lodged in 'One Stop Centre' or 'Bal Bhawan' Karnal.

On a request by the Court, ASI Jatinder Singh Rana CP-3127 and Lady Constable Dimple CP-4032 of Police Station Sector-11, Chandigarh have been deputed to escort petitioner No.1 – Muskan to 'One Stop Centre' or 'Bal Bhawan' , Karnal.

It is already 4.15 PM. Thus, the aforesaid officials of Chandigarh Police are directed to take the custody of petitioner No.1 – Muskan from the office of her counsel Mr.Ranesh Bansal, Advocate, H.No.417A, Sector-15A, Chandigarh and arrange her stay overnight in a suitable 'Children Home' at Chandigarh, from where she will be taken to Karnal tomorrow morning.

The Deputy Commissioner, Karnal is requested to make proper arrangements for the stay of petitioner No.1 in 'One Stop Centre' or 'Bal Bhawan' at Karnal, whichever place is deemed suitable.

Disposed of in the above terms.

Copy of this order be provided to ASI Jatinder Singh Rana of Chandigarh Police and also to Ld. Additional Advocate General, Haryana, under the signatures of the Special Secretary of the Bench.

(HARINDER SINGH SIDHU)
JUDGE

29.06.2021
rashmi

- | | | |
|----|------------------------------|----------|
| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes / No |