

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

CRWP-7496-2021

Date of decision :10.08.2021

Raj Kumar

... Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Anil Kumar Rana, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

The present criminal writ petition has been filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C for issuance of a writ in the nature of Habeas Corpus for releasing the minor daughter of the petitioner namely Sakshi Malhotra from the protection/custody of respondent No.4 i.e. District Child Welfare Committee, Ambala.

A perusal of the petition shows that the said Sakshi Malhotra is a minor and had earlier approached this Hon'ble High Court by way of filing Criminal Writ Petition No.7046 of 2021, which was disposed of in the following terms:-

“Keeping in view the intent of the fundamental right enshrined in Article 21 of the Constitution of India which ensures the protection of life and liberty to the citizens and also the factum of the registration of the above-said FIR as well as the above-discussed limited prayer as made by learned counsel for the petitioners and without commenting or expressing any opinion on the legality and validity of the relationship between the petitioners, respondent No.2-Superintendent of Police, Ambala, is hereby directed to look into the

said representation (Annexure P-4) of petitioner No.1 only to the extent of the threat perception of the petitioners qua their lives and if it is found that the petitioners genuinely deserve the protection of their lives, then to take appropriate action in accordance with law.

It is further clarified that this order shall not amount to be a hindrance to/in the investigation of the afore-mentioned criminal case arising out of the said FIR and shall also not be construed to be a shield to the petitioners against any other action already initiated or intended/ contemplated to be initiated against them by the competent authority/ person on account of the above-discussed facts and circumstances and permissible under the relevant provisions of law.

This petition stands disposed of accordingly.”

Learned counsel for the petitioner has submitted that subsequent to the passing of the said order, the said Sakshi Malhotra being a minor was under the protection/custody of respondent No.4. Although application has been moved by the petitioner to Respondent No.4-Chairman, District Child Welfare Committee, Ambala for grant of permission to meet the minor girl namely Sakshi Malhotra, however, till date the petitioner has not been permitted to meet the said minor girl.

Notice of motion.

On advance notice, Mr. Praveen Bhadu, Deputy Advocate General, Haryana appears and accepts notice on behalf of respondent Nos.1 to 3.

Learned counsel for respondent Nos.1 to 3 has brought to the notice of this Court that the said Sakshi Malhotra had given a statement before JMIC, Naraingarh on 02.08.2021, in which she had stated that she has apprehension of physical harm from the petitioner.

In view of the above-said statement dated 02.08.2021 made by the said Sakshi Malhotra, the counsel for the petitioner has limited his prayer in the present petition to only meet the minor girl Sakshi Malhotra in the presence of some responsible official of respondent No.4 in the premises of respondent No.4.

The said prayer of the learned counsel for the petitioner is reasonable and thus, the present petition is disposed of with a direction to respondent No.4 to permit the petitioner and his wife to meet the minor Sakshi Malhotra on 19.08.2021 at 11.00 AM. The said meeting would take place in the premises of respondent No.4 and during the said meeting two responsible officials, one of whom is a counsellor, to be nominated by respondent No.4- Chairman of the District Child Welfare Committee, Ambala should be present. The petitioner undertakes not to fight or in any way harm the said Sakshi Malhotra during the said meeting.

(VIKAS BAHL)
JUDGE

10.08.2021
Jitesh (JTS)

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No