

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

114

(i)

CRWP-9998-2020

Date of decision : 25.08.2021

Gurmit Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

(ii)

CRWP-1032-2019

Date of decision : 25.08.2021

Tara Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. J.K. Singla, Advocate
for the petitioners-Gurmit Kaur and Baljit Singh
in CRWP No.9998-2020
and for respondent No.6-Jagsir Singh
in CRWP No.1032-2019.

Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner in CRWP No.1032-2019
and for respondent No. 4 in CRWP No.9998-2020.

Ms. Tanu Bedi, Amicus Curiae
in CRWP No.1032-2019.

Mr. Parteek Gupta, Addl. Public Prosecutor,
U.T. Chandigarh for respondents No.2 and 3
in CRWP No.9998-2020

Mr. P.S.Walia, Asstt. A.G., Punjab
for respondents No. 1 to 3 and 5
in CRWP No.1032-2019 and
for respondent No.1
in CRWP No.9998-2020.

ARUN KUMAR TYAGI, J. (ORAL)

1. (The case has been taken up for hearing through video
conferencing.)

2. Gurmit Kaur and Baljit Singh, claiming themselves to be parents-in-law of detainee -Kirna Kaur, have filed petition **CRWP-9998-2020** under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for issuance of a writ in the nature of habeas corpus for releasing detainee-Kirna Kaur from detention of respondent No.3-Aashiana Sector-15, Chandigarh and handing over her custody to them.

3. Tara Singh, father of detainee Kirna Kaur, has filed petition **CRWP-1032-2019** under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for issuance of a writ in the nature of habeas corpus for release of detainee-Kirna Kaur, aged about 15 years 6 months, from illegal detention of respondent No.4-Gandhi Vanita Aashram, Children's Home for Girls, Kapurthala Road, Jalandhar, District Jalandhar.

4. Briefly stated the relevant facts giving rise to filing of the petitions are that detainee-Kirna Kaur left her parental house and solemnized marriage with Jagsir Singh on 17.08.2019. On statement of Tara Singh, FIR No.63 dated 18.08.2019 was registered under Sections 363 and 366-A of the Indian Penal Code, 1860 (for short 'the IPC) against Jagsir Singh in Police Station Joga, District Mansa to which Section 376 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 were added lateron. During investigation the police arrested Jagsir Singh and recovered detainee-Kirna Kaur and produced her before Judicial Magistrate First Class, Mansa. Detainee-Kirna Kaur made statement before the police as well

as Judicial Magistrate First Class, Mansa that she had solemnized marriage with Jagsir Singh out of her own free will and she wanted to reside with her husband/parents-in-law/sister-in-law. She did not want to go and reside with her parents as she has apprehension of danger and threats from them. In view of statement of the detinue Judicial Magistrate First Class, Mansa, vide order dated 21.08.2019 sent her to Gandhi Vanita Ashram, Children's Home for Girls, Jalandhar.

5. Gurmit Kaur and Baljit Singh have filed petition **CRWP-9998-2020** on the averments that the petitioners are parents of Jagsir Singh. After his release on bail in above referred criminal case, Jagsir Singh had filed petition seeking custody of detinue-Kirna Kaur on the ground of Kirna Kaur being his legally wedded wife but in view of age of detinue-Kirna Kaur and judgments in **CRM-M-22389-2020 titled as Parminder Singh Vs. State of Haryana and another decided on 24.09.2020** and **CRWP-4181-2020 titled as Preeti and another Vs. State of Haryana and others decided on 16.10.2020** Jagsir Singh got his petition dismissed as withdrawn without prejudice to filing of petition by his parents for handing over custody of detinue-Kirna Kaur to them. Petitioners-Gurmit Kaur and Baljit Singh being parents of Jagsir Singh are ready to take custody of detinue-Kirna Kaur by filing their specific affidavits undertaking to comply with conditions to be imposed by the Court and giving assurance to take proper care of detinue-Kirna Kaur and providing her requisite facilities. The petitioners will not allow their son Jagsir Singh to meet her and to consummate the marriage.

6. The petition filed by Gurmit Kaur and Baljit Singh has been opposed by the respondents. However, no reply has been filed by the respondents.

7. Tara Singh, father of detainee Kirna Kaur has filed petition **CRWP-1032-2019** on the averments that detainee-Kirna Kaur is minor being aged about 15 years 6 months. Judicial Magistrate First Class, Mansa has, vide order dated 21.08.2019, illegally sent her to Gandhi Vanita Ashram, Children's Home for Girls, Jalandhar. Detenue-Kirna Kaur was required to be produced before the Child Welfare Committee. The above-said order was non-speaking and was passed in the absence of parents of the detainee-Kirna Kaur. The detainee is being influenced by the accused in connivance with the police officials for retracting her statement made before the medical examiner.

8. The petition filed by Tara Singh has been opposed by respondent No. 5 in terms of reply filed by way of affidavit dated 10.01.2020 of Rekha Sharma, Chairperson of Child Welfare Committee, Mansa and by respondent No. 6-Jagsir Singh in terms of reply dated 03.03.2020 filed by him.

9. In reply filed by way of affidavit of Rekha Sharma, Chairperson, Child Welfare Committee, Mansa it has been submitted that detainee-Kirna Kaur was produced before Child Welfare Committee by ASI Sewa Singh and lady Constable Sonia Kumari on 04.11.2019 along with copy of order dated 04.11.2019 passed by Ms. Mandeep Pannu, Special Judge, Mansa. The Child Welfare Committee, Mansa recorded the statement of detainee-Kirna Kaur and after her

counselling and obtaining copy of FIR and other relevant documents, detenue-Kirna Kaur was advised to live with her parents or near relatives but she refused and in view of her family circumstances detenue Kirna Kaur was sent to Gandhi Vanita Ashram, Children's Home for Girls, Jalandhar in the paramount interest of her protection and care till further orders as required by Section 53 of the Juvenile Justice (Care and Protection) Act, 2015.

10. During pendency of the petitions Kuldeep Kaur and Sukhwinder Singh sister-in-law and brother-in-law of detenue-Kirna Kaur filed affidavits cum declaration in CRWP No.9998-2020 giving the undertaking to take care of detenue-Kirna Kaur till attaining of majority by her.

11. Detenue-Kirna Kaur expressed her willingness to live with Kuldeep Kaur, her sister-in-law.

12. I have heard Mr. J.K.Singla, learned Counsel for the petitioners Gurmit Kaur and Baljit Singh in CRWP No.9998-2020 and respondent No.6-Jagsir Singh in CRWP No.1032-2019, Mr. Bikramjeet Singh Jatana learned Counsel for the petitioner in CRWP No. 1032-2019 and respondent No. 4 in CRWP No.9998-2020, Mr. P.S.Walia, Asstt. A.G., Punjab learned State Counsel for respondents No. 1 to 3 and 5 in CRWP No. 1032-2019 and respondent No.1 in CRWP-9998-2020, Mr. Parteek Gupta, Addl. Public Prosecutor, U.T. Chandigarh for respondents No. 2 and 3 in CRWP No.9998-2020 and Ms. Tanu Bedi appointed Amicus Curiae in CRWP No.1032-2019.

13. Mr. J.K.Singla, learned Counsel for petitioners Gurmit

Kaur and Baljit Singh in CRWP No.9998-2020 and respondent No.6-Jagsir Singh in CRWP No.1032-2019 has, while reiterating the factual averments and relying on the observations in judgment of the Coordinate Bench in ***CRWP No.4181 of 2020 titled as Preeti and another versus State of Haryana and others***, submitted that in view of affidavits-cum-declaration filed by Kuldeep Kaur and Sukhwinder Singh sister-in-law and brother-in-law of detenue-Kirna Kaur giving the undertaking to take care of detenue-Kirna Kaur till attaining of majority by her and willingness expressed by Kirna Kaur to live with Kuldeep Kaur, her sister-in-law, custody of detenue-Kirna Kaur may be ordered to be handed over to Kuldeep Kaur.

14. On the other hand, Mr. Bikramjeet Singh Jatana learned Counsel for the petitioner in CRWP No. 1032-2019 and respondent No. 4 in CRWP No.9998-2020 has submitted that detenue-Kirna Kaur was minor being aged about 15 years 6 months at the time of alleged marriage. Judicial Magistrate First Class, Mansa has, vide order dated 21.08.2019, illegally sent her to Gandhi Vanita Ashram, Children's Home for Girls, Jalandhar. Detenue-Kirna Kaur was required to be produced before the Child Welfare Committee. The above-said order was non-speaking and was passed in the absence of parents of the detenue-Kirna Kaur. Custody of detenue-Kirna Kaur may be handed over to her father Tara Singh and petition filed by Gurmit Kaur and Baljit Singh may be dismissed and affidavits filed by Kuldeep Kaur and Sukhwinder Singh may be rejected. In support of his arguments Mr. Bikramjeet Singh Jatana learned Counsel for the petitioner in CRWP

No. 1032-2019 and respondent No. 4 in CRWP No.9998-2020 has placed reliance on the observations in *Jyothi and another Vs. Director General of Police, Police Head Quarters, Chennai and others (Madras HC) : 2013(6) R.C.R. (Criminal)2219 ; Prerana Vs. State of Maharashtra and others (Bombay HC) : 2003(3) R.C.R. (Criminal) 365* and *Jhalu Gayari Vs. State of Rajasthan and another (Rajasthan HC) : 2008(27) R.C.R. (Criminal) 63*.

15. Mr. P.S.Walia, Asstt. A.G., Punjab learned State Counsel for respondents No. 1 to 3 and 5 in CRWP No. 1032-2019 and respondent No.1 in CRWP No. 9998-2020 and Mr.Parteek Gupta, Addl. Public Prosecutor, U.T. Chandigarh for respondents No. 2 and 3 in CRWP No.9998-2020 have submitted that they will comply with the order to be passed by the Court.

16. Ms. Tanu Bedi appointed Amicus Curiae in CRWP No.1032-2019 has submitted that custody of detenue-Kirna Kaur may be handed over to her sister-in-law as consented to by detenue-Kirna Kaur.

17. In CRM-M-22389-2020 titled as Parminder Singh Vs. State of Haryana and another decided on 24.09.2020 this Court observed as under :-

“36. In T. Sivakumar's Case (Supra) Madras High Court held that a marriage contracted with a female less than 18 years and more than 15 years is not a void marriage but is only a voidable marriage and the child bride had the option of getting the marriage annulled till she attains the age of 20 years. The said marriage is not a "valid marriage" stricto sensu as per the classification but it is "not invalid". The male contracting party shall not enjoin all the rights which would otherwise emanate from a valid

marriage stricto sensu, instead he will enjoin only limited rights. Accordingly it was held that if the minor girl expresses her desire not to go with her parents, provided in the opinion of the court she has capacity to determine, the court may order her to be kept in a children home set up for children in need of care and protection under the provisions of the JJ Act and at any cost she shall not be kept in a special home or observation home meant for juveniles in conflict with law established under the the JJ Act.

*37. In Court on its own motion (Lajja Devi) Case (Supra), a Full Bench of the Delhi High Court while referring to **Rosy Jacob v. Jacob Chakramakkal : AIR 1973 SC 2090; Kumar V. Jahgirdar v. Chetana K. Ramatheertha : 2001 (3) RCR (Civil) 497 :AIR 2001 SC 2179 and AIR 2004 SC 1525** held that in deciding the question of custody of a minor child it is the interest of the child which is paramount and important. In that case the Full Bench of the Delhi High Court observed as under:-*

*"46. In such circumstances, allowing the husband to consummate a marriage may not be appropriate more so when the purpose and rationale behind the PCM Act, 2006 is that there should be a (sic no) marriage of a child at a tender age as he or she is not psychologically or medically fit to get married. There is another important aspect which is to be borne in mind. Such a marriage, after all, is voidable and the girl child still has right to approach the Court seeking to exercise her option to get the marriage declared as void till she attains the age of 20 years. How she would be able to exercise her right if in the meantime because the marriage is consummated when she is not even in a position to give consent which also could lead to pregnancy and child bearing. **Such marriages, if they are made legally enforceable will have deleterious effect and shall not prevent anyone from entering into such marriages. Consent of a girl or boy below the age of 16 years in most cases a figment of imagination is an anomaly and a mirage,** and will act as a cover up by those who are economically and/or socially powerful to pulverise the muted meek into submission. **These are the considerations which are to be kept in mind while deciding as to whether custody is to be given to the husband or not.** There would be many other factors which the Court will have to keep in mind, particularly in those cases where the girl, though minor, eloped*

*with the boy (whether below or above 21 years of age) and she does not want to go back to her parents. **Question may arise as to whether in such circumstances, the custody can be given to the parents of the husband with certain conditions, including the condition that husband would not be allowed to consummate the marriage.** Thus, we are of the opinion that there cannot be a straight forward answer to the second part of this question and depending upon the circumstances the Court will have to decide in an appropriate manner as to whom the custody of the said girl child is to be given."*

(emphasis added)

38. Section 2(14)(xii) of the JJ Act defines a child "who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage" as a child in need of care and protection. A girl child below 18 years of age who is sought to be married by her parents/guardian being a child in need of care and protection is required to be produced before a Child Welfare Committee constituted under Section 27 of the JJ Act so that she could be cared for, protected and appropriately rehabilitated or restored to society. In **Independent Thought Case (Supra)** Hon'ble Supreme Court observed as under :-

*"95. A cursory reading of the JJ Act gives a clear indication that a girl child who is in imminent risk of marriage before attaining the age of 18 years of age is a child in need of care and protection (Section 2 (14) (xii) of the JJ Act). **In our opinion, it cannot be said with any degree of rationality that such a girl child loses her status as a child in need of care and protection soon after she gets married.** The JJ Act provides that efforts must be made to ensure the care, protection, appropriate rehabilitation or restoration of a girl child who is at imminent risk of marriage and therefore a child in need of care and protection. **If this provision is ignored or given a go by, it would put the girl child in a worse off situation because after marriage she could be subjected to aggravated penetrative sexual assault for which she might not be physically, mentally or psychologically ready.** The intention of the JJ Act is to benefit a child rather than place her in difficult circumstances. **A contrary view would not only destroy the purpose and spirit of the JJ Act but***

would also take away the importance of Article 15 (3) of the Constitution. Surely, such an interpretation and understanding cannot be given to the provisions of the JJ Act."

(emphasis added)

39. In Association for Social Justice & Research's Case (Supra) where a girl aged between 16 to 18 years was married off to a man stated to be over 40 years of age, a Division Bench of Delhi High Court noted the ill effects of child marriage and gave a direction that the child will remain with her parents and her marriage will not be consummated till she attains the age of 18 years.

40. In view of the statutory provisions and judicial precedents referred to above, I am also of the considered view that if the minor girl child expresses her desire not to go with her parents or her relatives and the parents of the husband do not come forward for entrusting custody of the minor girl child to them on the condition of keeping the minor girl child separate from the husband and not allowing the husband to consummate the marriage, the court may order her to be kept in a children home set up for children in need of care and protection under the provisions of the JJ Act but she shall not be kept in a Special/Observation Home meant for juveniles in conflict with law established under the JJ Act."

18. In **CRWP No.4181 of 2020 titled as Preeti and another versus State of Haryana and others** Preeti aged 16 years and 10 months and Sahil aged 18 years ran away from their homes on 18.06.2020 and solemnized marriage on 23.06.2020. Hon'ble Coordinate Bench of this Court, while ordering handing over of the custody of Preeti to her mother-in-law, who accepted Preeti as her daughter-in-law and was prepared to stand by their marriage, observed as under:-

"As on date, Preeti is 10 months short of attaining majority. It is not as if, upon the clock striking 12 midnight on the eve of her 18th birthday, Preeti would magically assume the mental maturity and wisdom to claim the status of an adult. The age of majority as prescribed must therefore be construed and interpreted in the context of the

law for which it is being considered and in a case of this nature, where the minor is certain and unshaken in her opinion and desire, it would not be right and proper for this Court to brush aside her views on the ground that she is not 18 years of age as on date and is only 17 +. This Court therefore does not deem it appropriate to direct that Preeti's custody should be forcibly entrusted to her parents against her wishes or that she should be kept in a Protection Home till she attains the age of 18 years. It would suffice at this stage if Preeti is allowed to go with Neelam, Sahil's mother, and remain with her till she attains the age of 18 years. Neelam shall be bound by the affidavit filed by her before this Court and take care of Preeti to the best of her capacity and ability. However, as Neelam is not her legal guardian and she is being entrusted Preeti's custody only as per the desire and wish expressed by Preeti herself, it would be appropriate that the Child Welfare Committee, Sonipat, monitors Preeti's well-being till she attains the age of 18 years while she remains in Neelam's custody. The Chairperson of the Child Welfare Committee, Sonipat, is accordingly directed to depute a Child Welfare Officer to randomly visit Neelam's residence at Kakroi, District Sonipat, twice a month to ensure that Preeti is being well cared for and to ascertain whether she has any complaints. The Child Welfare Committee, Sonipat, shall take on record the reports of such Child Welfare Officer and monitor the case till Preeti attains the age of 18 years.”

19. In **CRM-M-38750-2020 titled as 'Kulwinder Kaur Vs. State of Punjab and others'** decided on 21.12.2020 this Court observed as under:-

*“I am in full agreement with the observations made by Hon'ble Coordinate Bench. However, it may be added here that in view of the observations of this Court in **CRM-M-22389-2020 titled as Parminder Singh Vs. State of Haryana and another decided on 24.09.2020** Gagandeep Singh will not be entitled to consummate the marriage till Mandeep Kaur attains the age of 18 years. In view of the facts and circumstances of the present case, willingness of Mandeep Kaur to live with her mother-in-law Kulwinder Kaur (the petitioner) and acceptance by the petitioner of Mandeep Kaur as her daughter-in-law, I am of the considered view that it will be appropriate that custody of Mandeep Kaur is handed over to the petitioner and Mandeep Kaur is allowed to live with the petitioner*

subject to the following conditions:-

(i) that the petitioner shall submit an affidavit before learned Sub Divisional Judicial Magistrate/Duty Magistrate, Bholath, Kapurthala that the petitioner will take care of Mandeep Kaur to the best of her capacity and ability;

(ii) that the petitioner shall also submit her personal bond in the sum of Rs.1,00,000/- before learned Sub Divisional Judicial Magistrate/Duty Magistrate, Bholath, Kapurthala undertaking that she shall not allow her son Gagandeep Singh to consummate the marriage till Mandeep Kaur attains the age of 18 years. In case of any default, the amount of Rs.1,00,000/- shall be liable to be realised by learned Sub Divisional Judicial Magistrate, Bholath, Kapurthala from the petitioner as penalty under Section 446 of the Cr.P.C.;

(iii) that the petitioner shall ensure payment of amount of Rs.5,000/- per month to Mandeep Kaur as personal expenses till she attains majority; and

(iv) that in case of breach of any of these conditions, the petitioner shall also be liable to punishment for contempt of this Court.

In view of the above discussion, the petition is allowed and order dated 19.10.2020 passed by learned Sub Divisional Judicial Magistrate, Bholath, Kapurthala is set aside with the direction that custody of Mandeep Kaur be ordered to be handed over to the petitioner-Kulwinder Kaur (mother-in-law) on submission of the affidavit and personal bond in compliance with the aforesaid conditions before learned Sub Divisional Judicial Magistrate/Duty Magistrate, Bholath, Kapurthala.

However, the Chairperson of the Child Welfare Committee, Kapurthala is directed to depute a Child Welfare Officer to randomly visit the house where Mandeep Kaur would be residing with her mother-in-law periodically to ensure that Mandeep Kaur is being looked after properly. The Child Welfare Committee, Kapurthala shall take on record the reports of such Child Welfare Officer and move this Court for appropriate directions, if so considered to be necessary. ”

20. In the present case, Tara Singh father of detenue-Kirna

Kaur has claimed her date of birth to be 26.01.2004 and detenue-Kirna

Kaur will attain majority after about 5 months. Detenue-Kirna Kaur,

who must be considered to have attained age of discretion, has expressed her willingness to live with her parents-in-law and sister-in-law. Detenue-Kirna Kaur was sent to Gandhi Vanita Aashram, Children's Care Home for Girls, Jalandhar under the orders of the Child Welfare Committee, Mansa and to Aashiana, Sector 15, Chandigarh under the orders of this Court. Detenue-Kirna Kaur is to undergo major surgery for which permission has been granted by this Court vide order dated 23.08.2021. After her surgery detenue-Kirna Kaur will require personal care and attention which may be best provided by her parents-in-law or sister-in-law. Gurmit Kaur and Baljit Singh, parents-in-law and Jagsir Singh husband are residents of the same village in which detenue-Kirna Kaur was and her parents are residing. Tara Singh, father of detenue-Kirna Kaur has objection to detenue-Kirna Kaur living with her husband Jagsir Singh in the same village. Such objection arising out of hurt ego/disgraced honour may subside with passage of time and counselling. However, at present it will be appropriate that instead of entrusting custody of detenue-Kirna Kaur to her parents-in-law her custody is entrusted to her sister-in-law Kuldeep Kaur who is residing in village Lehra Sondha, Tehsil Nathana, District Bathinda which is about 60 Kms away from the village where Gurmit Kaur and Baljit Singh, parents-in-law and Jagsir Singh husband are residing and in which detenue-Kirna Kaur was and her parents are residing.

21. In view of the facts and circumstances of the present case, affidavit cum declaration filed by Kuldeep Kaur sister-in-law of detenue-Kirna Kaur and willingness of detenue-Kirna Kaur to live with

her sister-in-law Kuldeep Kaur, I am of the considered view that it will be appropriate that custody of detenue-Kirna Kaur is handed over to Kuldeep Kaur, her sister-in-law and Kirna Kaur is allowed to live with Kuldeep Kaur, her sister-in-law subject to the following conditions:-

- (i) that Kuldeep Kaur, sister-in-law of detenue-Kirna Kaur shall submit an affidavit before learned Judicial Magistrate First Class/Duty Magistrate, Mansa that she will take care of detenue-Kirna Kaur to the best of her capacity and ability;
- (ii) that Kuldeep Kaur, sister-in-law of detenue-Kirna Kaur shall also submit her personal bond in the sum of Rs.1,00,000/- before learned Judicial Magistrate First Class/Duty Magistrate, Mansa undertaking that she shall not allow her brother Jagsir Singh to consummate the marriage till detenue-Kirna Kaur attains the age of 18 years. In case of any default, the amount of Rs.1,00,000/- shall be liable to be realised by learned Judicial Magistrate First Class, Mansa from Kuldeep Kaur, sister-in-law of detenue-Kirna Kaur as penalty under Section 446 of the Cr.P.C.;
- (iii) that Kuldeep Kaur, sister-in-law of detenue-Kirna Kaur shall ensure payment of amount of Rs.2,500/- per month to detenue-Kirna Kaur as personal expenses till she attains majority; and
- (iv) that in case of breach of any of these conditions,

Kuldeep Kaur, sister-in-law of detenue-Kirna Kaur shall also be liable to punishment for contempt of this Court.

22. In view of the fact that detenue Kirna Kaur was kept in Vanita Gandhir Aashram, Jalandhar under the orders of Child Welfare Committee, Mansa and above discussed facts and circumstances of the case, the observations in *Jyothi and another Vs. Director General of Police, Police Head Quarters, Chennai and others (Madras HC) : 2013(6) R.C.R. (Criminal)2219; Prerana Vs. State of Maharashtra and others (Bombay HC) : 2003(3) R.C.R. (Criminal) 365 and Jhalu Gayari Vs. State of Rajasthan and another (Rajasthan HC) : 2008 (27) R.C.R. (Criminal) 63* relied upon by learned Counsel for petitioner in CRWP No. 1032-2020 and for respondent No.4 in CRWP No. 9998-2020 are not of any help to him for grant of custody of detenue Kirna Kaur to him.

23. In view of the above discussion, petition **CRWP-9998-2020** is allowed while petition **CRWP-1032-2019** is dismissed and custody of detenue-Kirna Kaur is ordered to be handed over to her sister-in-law Kuldeep Kaur. after her discharge from the hospital after her surgery permitted vide order dated 23.08.2021, on submission of the affidavit and personal bond by Kuldeep Kaur in compliance with the aforesaid conditions before learned Judicial Magistrate First Class/Duty Magistrate, Mansa.

24. However, the Chairperson of the Child Welfare Committee, Bathinda is directed to depute the Child Welfare Officer to randomly visit House No.23 in Village Lehra Sondha, Tehsil Nathana,

District Bathinda where detenue-Kirna Kaur would be residing with her sister-in-law Kuldeep Kaur periodically to ensure that detenue-Kirna Kaur is being looked after properly. The Child Welfare Committee, Bathinda shall take on record the reports of such Child Welfare Officer and move this Court for appropriate directions, if so considered to be necessary.

25. A copy of this order be supplied to learned State Counsel for respondents No.1 to 3 and 5 in CRWP No.1032-2019 and respondent No.1 in CRWP No.9998-2020 and learned Addl. Public Prosecutor for respondents No.2 and 3 in CRWP No.9998-2020 and be also sent to In-charge, Aashiana, Sector-15, Chandigarh for requisite compliance.

25.08.2021
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No