

CRWP-10174-2021

Date of Decision : 26.10.2021

Ramesh Kumar and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.**(Through Video Conferencing)**

ANOOP CHITKARA, J (ORAL)

The petitioners who are parents of a minor girl, who is voluntarily residing in a special home for girls, have come up before this Court under Article 226 of the Constitution of India seeking a writ in the nature of habeas corpus for release of minor detenue namely, Muskan aged about 17 years 6 months from the custody of respondent No.4 – Special Home for girls seeking her custody on the ground that she has a desire to come back to her parents home. The date of birth certificate of minor, which has been annexed as Annexure P-3 shows that her date of birth is 12.04.2004, which makes her minor and under 18 years of age as on date.

Notice of motion.

Ms. Jasleen Kaur Sidhu, learned Assistant Advocate General, Punjab appears on behalf of the State of Punjab and accepts notice.

Since the parents of the minor girl are the natural guardians, as such, the State cannot have any objections, in case the minor lives with her parents.

Consequently, the present petition is allowed. The State is directed to hand over the custody of minor girl to her parents during the course of the day itself.

On the request of the parents of the minor girl, this Court is giving the custody of the minor to her parents subject to the condition that they will protect the life of the minor girl, her privacy and her honour to the fullest possible efforts. In case, anything happens to the minor in their custody then the parents of the minor girl will be held accountable.

Counsel for the petitioner may download the copy of this order along with case status from the official webpage of this Court and authenticate it to be a true copy. It shall be open for the Special Home Administrator, to verify the authenticity of the order by downloading the copy of the order himself. Once he is satisfied, he will immediately release the minor girl and will hand over her custody to her parents.

The parents of the minor girl shall visit Special Home for girls in Amritsar at 2.00 p.m. today to take her custody.

(ANOOP CHITKARA)
JUDGE

October 26, 2021
Manpreet

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No