

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

**Criminal Writ Petition No.790 of 2022(O&M)
Date of Decision: March 22, 2022**

Mandeep Kaur and another ...Petitioner

Versus

State of Punjab and others ...Respondents

Present: - Mr.Vishal Goel, Advocate for the petitioners
(along with petitioner No.1 – Mandeep Kaur)

Mr.B.S.Sewak, Addl.AG, Punjab.

Mr.Krishan Kanha, Advocate for
Mr.N.S.Lucky, Advocate for respondents No.4 and 5.

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The present petition has been filed under Article 226 of the
Constitution of India seeking protection to the lives and liberty of the
petitioners at the hands of private respondents No.4 to 8.

On 28.01.2022, the following order was passed:

*“... It has been averred that the petitioners are major.
The date of birth of petitioner No.1 is 1.1.2003 while date of
birth of petitioner No.2 is 16.12.2001. Copies of Aadhar Cards
showing dates of birth of both the petitioners are attached as
Annexure P-1 and Annexure P-2 respectively.*

*It has been submitted that the petitioners are known to
each other since long and are living in live-in relationship.
However, respondents No.4 to 8 are opposed to the
relationship. Private respondents want to marry petitioner No.1
against her wish because of which, both the petitioners left
their parental houses. The petitioners have submitted
representation dated 22.1.2022 (Annexure P-3) to respondent*

No.2 seeking protection of their lives and liberty at the hands of the private respondents.

Learned counsel for the petitioners states that petitioner No.2 would get an FDR of Rs.50,000/- prepared in the name of petitioner No.1 within two weeks from today. The said FDR be prepared within the stipulated period and the copy of the same be produced in the Court on the next date of hearing. ”

Learned counsel submits that petitioner No.2 has deposited Rs.49,000/- in the name of petitioner No.1 vide TDR No.3952662 dated 04.03.2022 at Bank of Baroda, New Amritsar, a copy whereof has been produced in Court.

Today, the Ld. counsel appearing for the private respondents has produced in Court a copy of Middle (Class VIII) Examination Certificate of Mandeep Kaur – petitioner No.1, according to which her date of birth is 05.06.2006.

In the above circumstances, the private respondents claiming petitioner No.1 being a minor, without going into the claims of the parties, the paramount consideration of this Court is the welfare of the child, thus, she cannot be allowed to stay in the Company of petitioner No.2.

Petitioner No.1 – Mandeep Kaur, who is present in Court with her counsel, states that she is not ready and willing to reside with her parents.

Considering the fact that petitioner No.1 is a minor and that she does not wish to stay with her parents there appears to be no option, but to direct that petitioner No.1 be lodged at a Nari Niketan. She has desired to stay in Nari Niketan/Ashiana or any other suitable safe home at Jalandhar till

she attains the age of majority. Ordered accordingly.

It is already 3.00 PM today.

On the request of this Court, Sub Inspector Vijay Kumar No.1596 and Lady Constable No.4233 of Chandigarh Police are present in Court. The custody of petitioner No.1 Mandeep Kaur is handed over to them. The Deputy Commissioner, Chandigarh is requested to arrange for a safe overnight stay of child Mandeep Kaur in Ashiana or any other suitable place in Chandigarh.

The Senior Superintendent of Police, Jalandhar is requested to depute police officials including a lady Constable to take custody of petitioner No.1 tomorrow and escort her to Nari Niketan/Ashiana, Jalandhar. Respondent No.2 to also look into the representation of the petitioners and take necessary action as may be necessary for their protection as per law.

Copy of the order under the signatures of the Special Secretary of the Bench be supplied to SI Vijay Kumar of Chandigarh Police, Ld. counsel for the petitioners and also to the Ld. Additional Advocate General, Punjab for onward transmission to concerned quarters for compliance.

No further orders are required in this petition.

Disposed of.

March 22, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No