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

**CRWP-1916-2022 (O&M)
Date of Decision: 22.09.2022**

Baldev Guru and another

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.S. Saini, Advocate for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Ashish Nagar, Advocate, for respondent Nos. 4 and 5.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of Mandamus directing the respondent No.2 to protect the life and liberty of the petitioners.

The petitioner No.1 is a boy of the age of 21 years but petitioner No.2-girl is a minor of the age of 16 ½ years at the time of filing of the present petition.

This Court on 09.03.2022 considering the age of the girl directed the petitioners who are stated to be in live-in-relationship to appear before the SSP, Saheed Bhagat Singh Nagar, District Nawanshahr and in the event of their appearance, then the statement of petitioner No.2 was to be recorded before the learned Illaqa Magistrate and thereafter, she was to be sent to the

Safe Home/Nari Niketan or whichever place the SSP may deem fit to safe enough and thereafter status report was to be filed. Thereafter, respondent Nos. 4 and 5 who are the parents of petitioner No.2 filed an application for seeking a direction to the concerned authorities to release petitioner No.2 from the Safe Home because she wants to now live with them.

This Court again directed the State to get the statement of petitioner No.2 recorded before the Illaqa Magistrate and also directed that at the time of the recording of the statement, Illaqa Magistrate shall first ascertain the voluntariness of petitioner No.2 as to whether she is giving her statement voluntary or not and after being satisfied regarding the same shall record the statement of petitioner No.2 as to whether she wants to go back and stay with her parents voluntarily or not and thereafter to file status report.

The Deputy Superintendent of Police, Banga Sub Division, District Shaheed Bhagat Singh Nagar has filed the status report and attached the statement of petitioner No.2 as Annexure R-1 which she has given before the learned JMIC.

A perusal of the aforesaid would show that she has stated that earlier she was not ready to join her parents due to fear factor but now her parents had visited her number of times in the Nari Niketan to meet her and they have also agreed to get her marriage fixed with petitioner No.1 after she attains the age of 18 years and that she is ready to join her parent's company at their residence without any fear factor and the above statement is made voluntarily without any coercion and undue influence.

Learned counsel for respondent Nos. 4 and 5 has submitted that now a compromise has been effected between the parties and the parents of

petitioner No.2 have already agreed to get her married with petitioner No.1 after her attaining the age of 18 years and that she now wishes to go back to her parents, therefore, it will not be in the interest of justice to keep petitioner No.2 in the Safe Home/Nari Niketan for further time.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court, the statement of petitioner No.2 was got recorded before the learned JMIC in which she has stated that she wants to go back and stay with her parents. Earlier petitioner No.2 was sent to Nari Niketan due to circumstances at that point of time when she had some fear factors against her parents. Now in view of the statement given by petitioner No.2 before the learned JMIC, this Court is of the view that petitioner No.2 deserves to be released from Safe Home/Nari Niketan promptly so that she can join the company of her parents as per her own wish.

In view of the aforesaid position, it is directed that petitioner No.2 shall be released from the Gandhi Vanita Ashram, Adarsh Nagar, Jalandhar promptly and it shall be duty of the lady police official to hand over the custody of petitioner No.2 to her parents safely.

Accordingly, the present petition is disposed of.

22.09.2022

rakesh

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

(JASGURPREET SINGH PURI)
JUDGE