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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11773-2022

Date of Decision: March 21, 2022

Kanchna Adlak

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Vipul Joshi, Advocate,
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The petitioner has approached this Court impugning the order dated 04.02.2022 by virtue of which the Child Welfare Committee, Karnal, has sent the case of victim-child to CMO, Civil Hospital, Karnal, for conducting her DNA test.

Learned counsel for the petitioner submits that the view taken by the Child Welfare Committee in conducting the DNA test is totally against the mandate of law. He further submits that the victim has already decided to go with the petitioner who is alleged to be her real elder sister. He submits that the petitioner has already filed an application for release of the victim-child but the same is lying pending for consideration before the Child Welfare Committee.

After hearing the learned counsel for the petitioner and perusing

the record, it is apparent that the petitioner has approached this Court without availing the statutory remedy available to her under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015. It is further apparent that the relationship between the victim and the petitioner is not fully established and it is only in order to ascertain the same, the Child Welfare Committee has directed the CMO, Civil Hospital, Karnal, for conducting the DNA test of the victim. The application filed by the petitioner is subject to the outcome of the DNA test.

In view of the attending circumstances, the present petition is disposed of with liberty to the petitioner to avail the remedies as available to her under the law. However, the Child Welfare committee is requested to decide the application filed by the petitioner, which is pending consideration, on receipt of the DNA report, expeditiously.

March 21, 2022
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(RAJESH BHARDWAJ)
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No
Yes/No