

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

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CRM-M-13113-2022

Date of Decision : **April 07, 2022**

HARPREET SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arun Takhi, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for seeking direction for releasing Neha, who is stated to be the wife of the petitioner and who is at present with Incharge, Children Home, Gandhi Aashram, Jalandhar, District Jalandhar.

The learned counsel for the petitioner has submitted that the aforesaid Neha was got married with the petitioner but since she was minor at that point of time, the sister-in-law of the petitioner had filed a petition seeking writ in the nature of Habeas Corpus vide CRWP-7785-2020 titled “Ranjeet Kaur Vs. State of Punjab and others” which was decided on 2.3.2021 wherein it was observed that since the girl was minor and she does not wish to go back to her parents, her stay at the Safe Home would be justified and, therefore, she was directed to be kept in the Safe Home till the time she attains the age of majority. He submitted that the date of birth of Neha is 6.4.2004 and she has now attained the age of majority. The relevant portion of the aforesaid judgment is reproduced as under:-

“40 In the present case, the girl child has specifically refused to go along with her father and is not facing any difficulty or problem while staying at Nari Niketan/Child Protection Home and therefore, her stay at Nari Niketan/Child Protection Home, cannot be said to be detrimental to her well being. In the facts and circumstances of the present case, she cannot be directed to be released till she attains the age of majority by giving her custody either to her husband or his relatives including the petitioner who is stated to be her sister-in-law. However, the Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015, shall monitor the well being of Neha by making periodical inspections of Nari Niketan/Child Protection Home and shall comply with all the statutory obligations cast upon the Child Welfare Committee under of the Juvenile Justice (Care and Protection of Children) Act, 2015. It is made clear that if at any time Neha, even before attaining the age of 18 years, expresses her desire to go to her father/parents, then the Child Welfare Committee shall permit her to do so in the presence of her father/parents and by passing an appropriate order in this regard.”

In the aforesaid judgment, it was observed that in the facts and circumstances of the case, the girl cannot be directed to be released till she attained the age of majority by giving her custody either to her husband or his relatives including the petitioner who was stated to be the sister-in-law of the present petitioner. He submitted that there was no specific order with regard to the release of aforesaid Neha after she attains the age of majority and now since she has attained the age of majority, she has a right to live life of her own choice.

On the other hand, the learned State counsel has stated that it is correct that the aforesaid Neha has attained the age of majority after completion of the age of 18 years and today she has been brought from Safe Home-respondent No.2 by way of police protection through a lady Constable.

I have heard the learned counsels for the parties.

The age of aforesaid Neha is not in dispute. She has attained the age of majority. Earlier she was kept in Safe Home when she was below the age of 18 years in order to safeguard her rights and life in view of the judgment in the case of Ranjeet Kaur (Supra). Now the aforesaid Neha has attained the age of 18 years and, therefore, she has a right to live life of her own choice and, therefore, cannot be compelled to stay in Safe Home.

In view of the above, the present petition is allowed.

It is directed that the aforesaid Neha shall be set free and shall be released from Safe Home-respondent No.2 forthwith.

Since the girl has been brought to this Court through protection although there was no order pertaining to the same, the police party accompanying the girl shall take her back to the Safe Home. The concerned Member/Chairman of CWC shall send the girl to the place of her own choice under protection for the purpose of her release.

(JASGURPREET SINGH PURI)
JUDGE

April 07, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No