

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

Criminal Writ Petition No.3982 of 2022(O&M)

Date of Decision: June 02, 2022

Habib		...Petitioner
	Versus	
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Afzal Hussain, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

Mr.Nafeesh Ahmed, Advocate for respondent No.4.

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HARINDER SINGH SIDHU, J.

This is a Habeas Corpus petition.

The petitioner is the father of alleged detainee 'Najida'. He filed this petition alleging that his daughter, who is aged about 17 years, has been forcibly taken away by Sameem – respondent No.4. An FIR No.47 dated 17.03.2022 under Sections 363/366A IPC has been registered at Police Station Bicchor, District Nuh in this regard.

It has come out that 'Najida' was directed to be kept in the Children's home at Nuh by an order dated 29.03.2022 passed by the Child Welfare Committee, Nuh.

Mr.Girdhar, Ld. Assistant Advocate General, Haryana states that presently, the alleged detainee is staying at 'One Stop Centre' at Nuh.

Vide order dated 25.05.2022, Ld. Chief Judicial Magistrate, Nuh was required to record the statement of Najida and send a

report about her willingness to stay either with her father (petitioner) or the Children's Protection Home in view of the fact that she is minor.

Report has been received that in the statement before the Ld. CJM, she desired to go with Sameem – respondent No.4 and if it is not possible, in the Children's Protection Home. It is further reported that 'Najida' is not willing to go with her father – petitioner.

In these circumstances, in order to secure the welfare of the alleged detainee (a minor), there is no option, but to direct that she be kept in a Nari Niketan/Protection Home/Children Home. Upon this, Ld.AAG, Haryana has stated that the Najida shall be transferred from 'One Stop Centre', Nuh to 'Deepalaya School, Village Gusbethi, Tehsil Tauru, District Nuh (Haryana).

Accordingly, this petition is disposed of with a request to the Superintendent of Police, Nuh to depute a Police party also consisting a Lady Constable to shift the child 'Najida' from 'One Stop Centre', Nuh to 'Deepalaya School, Village Gusbethi, Tehsil Tauru, District Nuh (Haryana).

A copy of this order under the signatures of the Special Secretary of the Bench, be provided to Ld.AAG, Haryana for communication to the concerned quarters for compliance.

May 02, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No