

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

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CRWP-4075-2022(O&M)
Date of Decision : July 07, 2022

MANDEEP KAUR AND ANR

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.M.R.Sharma, Advocate, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Rajiv Vij, Addl. P.P. UT Chandigarh.

Mr. Dheeraj Mahajan, Advocate
for respondents No.4 and 5.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of private respondents who are relatives/parents of petitioner No.1.

This Court while issuing notice of motion on 4.5.2022 had directed that petitioner No.1 be sent to Children Home and Observation Home, Gandhi Vanita Ashram, Kapurthala Chowk, Jalandhar and she shall be kept confined till further orders from this Court. So far as petitioner No.2 is concerned, the SSP, Gurdaspur was also directed to get the threat perception examined and in case it was found that there is a

genuine threat to the life and liberty of petitioner No.2 then necessary steps shall be taken so as to ensure that no harm was caused to petitioner No.2.

On the last date of hearing, Mr. Dheeraj Mahajan, Advocate had appeared on behalf of respondents No.4 and 5, who are the parents of petitioner No.1 and had stated that the girl infact now wants to live with her parents although earlier she had made allegations that she had been forcibly married with someone else and she did not want to live with them.

In view of the aforesaid position, this Court had directed that petitioner No.1-girl, who is a minor of the age of 16 years be produced before the Illaqa Magistrate for recording of her statement and the Illaqa Magistrate was also directed to ascertain the voluntariness of the petitioner No.1 before recording her statement.

A report has been received from the learned Judicial Magistrate 1st Class, Gurdaspur which has been forwarded by the learned District and Sessions Judge, Gurdaspur to this Court in which it has been stated that before recording of her statement, the voluntariness of petitioner No.1 was ascertained. It has been stated in the report by the learned Judicial Magistrate 1st Class, Gurdaspur that from the statement of petitioner No.1 it appears that she had suffered her statement voluntarily and she wanted to go alongwith her parents.

The learned counsel for respondents No.4 and 5 has also stated on specific instructions from respondents No.4 and 5 that they have not posed any threat to the petitioners and they will never pose any threat

of any kind to the petitioners in future also.

Since petitioner No.1 who is a minor girl had herself got recorded her statement voluntarily before the learned Judicial Magistrate 1st Class, Gurdaspur that she wants to go with her parents it will not be in the interest of justice to further continue her custody with the Safe Home/Children Home and Observation Home, Gandhi Vanita Ashram, Kapurthala Chowk, Jalandhar. Therefore, it is directed that petitioner No.1 shall be released from the Safe Home/Children Home and Observation Home, Gandhi Vanita Ashram, Kapurthala Chowk, Jalandhar forthwith and it shall be responsibility of the Officer Incharge of the aforesaid Safe Home to hand over the custody of petitioner No.1 safely to her parents. So far as the threat perception of petitioner No.2 is concerned, this Court has already directed the concerned police officer to assess the threat perception.

At this stage, Mr. Randhir Singh Thind, learned DAG, Punjab has stated that in pursuance of the order passed by this Court, statement of petitioner No.2 was recorded and he has himself stated before the concerned authorities that he has got no threat from the private respondents.

In view of the aforesaid position, the present petition stands disposed of.

July 07, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No