

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

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**CRWP-4769-2022
Decided on : 07.06.2022**

Tamnna (Minor) through its next Friend Tushar

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Ajay Bhardwaj, Advocate
for the petitioner(s).

Mr. Rohit Arya, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India, is for issuance of directions to the official respondents to protect the life and personal liberty of the petitioner and her friend by providing adequate security/police protection and also directing private respondents No.4 to 7 not to interfere in the personal life and liberty of the petitioner.

Learned State counsel has filed the status report by way of an affidavit of Dharambir Singh, Deputy Superintendent of Police, City Jind, District Jind, on behalf of respondents No.1 to 3, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

As per the status report, an inquiry was conducted by the SHO, Police Station City Jind. During the inquiry, it came to the fore that the petitioner, who is a minor went missing at about 2:00 A.M. on 05th

December, 2021. Soon thereafter, respondent No.4 i.e. the father of the

petitioner filed a case FIR No. 604, dated 06.12.2021, under Section 363, 366 of IPC, at Police Station City Jind, against unknown persons. On 08th December, 2021, the petitioner was recovered from Delhi bye-pass, Rohtak and it was found that she had left the house of her own accord. Resultantly, a cancellation report was prepared on 02nd January, 2022, which has not yet been filed before the Court concerned. However, on 12th January, 2022, the petitioner again went missing from her house and a complaint was yet again made by respondent No.4 leading to the registration of another case i.e. FIR No. 12, dated 12.01.2022, under Sections 363, 366 of IPC, at Police Station City Jind. In the said FIR, the complainant i.e. respondent No.4, specifically named Tushar son of Subhash i.e. the person, through whom the petitioner has filed the present petition, as her next friend. Thereafter, on 11th February, 2022, on being recovered, the petitioner got recorded her statement under Section 164 Cr.P.C., wherein, she yet again stated that she had left her house of her own accord and she did not want to reside with her parents. After, she had been subjected to medico legal examination, she was sent to the Kalam Bal Ashram, Jind. On 21st February, 2022, vide letter No. 4996/CWC/Jind, dated 21.02.2022, the Chairman, Child Welfare Committee, Jind, informed that the mother of the petitioner had submitted an application for her medico legal examination and the petitioner too had given her consent in the said regard. The petitioner was medico legally examined. Still further, a detailed inquiry was carried out including the statement of the mother of the petitioner was recorded under Section 161 Cr.P.C., wherein, it was alleged that Tushar s/o Subhash was the real culprit and on the basis of her statement, offence under Section 18 of the POCSO Act, was added in the FIR, which already stood registered against Tushar

son of Subhash. In March, 2022, the minor petitioner along with her mother went to Rajpura to her maternal uncle's home. She again went missing from there, as a result of which, FIR No. 149, dated 01.04.2022, under Section 346 of IPC, was registered at Police Station Sadar Jind, at the instance of the petitioner's maternal uncle, wherein, Tushar son of Subhash, was named. Learned State counsel submits that the petitioner, who is minor, is in the illegal custody of Tushar son of Subhash and the latter is wanted by the police in the criminal cases, which stand registered against him.

Learned State counsel while drawing the attention of this Court to the other submissions made in the status report, submits that a representation dated 14.05.2022 (Annexure P-3), was made by the petitioner to the Superintendent of Police, Jind *qua* the alleged threat from private respondents, but on inquiry the threats were found to be without substance. He further submits that the whereabouts of the petitioner are still unknown and in case there is indeed any fresh threat, she can always approach the police and they will provide protection to her, in case required.

A pointed query was put to the learned counsel for the petitioner *qua* the whereabouts of the petitioner, however, he too feigned ignorance about the same. He further submits that though he does not know about the whereabouts of the petitioner, however, the petitioner is ready to present herself and make a statement before the police authorities as and when directed.

Heard.

In the facts and circumstances of the case, the petitioner is directed to appear before the SHO, Police Station City Jind, by tomorrow i.e. 08.06.2022. On her appearance, the SHO concerned shall record the

statement of the petitioner and look into the alleged threat perception. In case, the petitioner expresses her disinclination to go to the house of her parents, she shall be sent to the nearest Nari Niketan/Safe Home.

Petition stands disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

June 07, 2022

J.Ram

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