

262 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-4900-2022

Date of Decision: 19th July, 2022

Ruksar through her next friend Deepak Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : None for the petitioner.
Mr. Gurmeet Singh, Assistant Advocate General, Haryana.

AVNEESH JHINGAN , J.(Oral)

This petition was filed seeking directions to the official respondents to protect life and liberty of the petitioner and not to handover the custody of the petitioner to respondents No.5 to 7.

On 2nd June, 2022 following order was passed:-

“On 23.5.2022 the following order was passed :-

“This petition is filed seeking directions to the official respondents to protect the life and liberty of the petitioner as her parents want to marry her against her wishes.

The petition is filed through next friend-Deepak Kumar.

On a specific query from the court to learned counsel for the petitioner with regard to antecedents of Deepak Kumar, the court is informed that Deepak Kumar is a facebook friend of the minor and the minor is residing with him.

The issue is whether Deepak Kumar can have custody of the minor as he is neither a natural guardian or a guardian appointed by Court?

At this stage learned counsel for the petitioner restricts his prayer that the petitioner be kept in a Child Care Institute.

Notice of motion to respondents No. 1 to 3.

Ms. Dimple Jain, AAG, Haryana appearing on advance notice accepts the same.

Let the police authorities ensure that the petitioner is shifted in a Child Care Institute immediately and kept there till the next date.

Learned counsel for the State submits that it needs to be looked into as to whether there is any missing FIR pending with regard to the petitioner.

Adjourned to 2.6.2022.”

Learned State Counsel on instructions from Incharge of Child Welfare Committee, Hisar (CWC) submits that the minor was shifted to CWC, Hisar and thereafter, she was shifted to Child Care Institute (CCI), Rai, Sonapat. The minor has got her statement recorded before the Incharge of CWC, Hisar stating that she is ready to go with her parents and her signatures on the blank paper were taken by Deepak Kumar s/o Mani Ram for getting the live-in relationship certificate. She submits that she has been informed that missing FIR with regard to minor has been registered in Uttarakhand.

Notice of motion to respondents No. 5 to 7.

Let respondent No. 2-Superintendent of Police, Hisar, District Hisar coordinate with respondent No.3-Senior Superintendent of Police, Dehradun, District Dehradun, Uttarakhand to ensure the presence of the parents of minor before the Illaqa Magistrate/CJM, Sonapat within ten days from today.

Let minor and her parents appear before the Illaqa Magistrate/CJM, Sonapat for recording of their statements.

The Magistrate may thereafter, if so satisfied, allow the minor to go with the parents subject to such conditions as may be deemed necessary, in view of the facts and circumstances of the case.

Learned State Counsel at this stage submits that considering the statement made by the minor, necessary action against Deepak Kumar as warranted under law is being contemplated.

Adjourned to 4th July, 2022.”

Status report dated 14th July, 2022, by way of an affidavit of Mr. Narayan Chand, HPS, Deputy Superintendent of Police, Hisar-2 filed by learned State counsel is taken on record.

Learned State counsel relying upon the status report submits that after recording statements of petitioner and her parents, custody of the petitioner being minor was handed over to her parents.

In view of the above, no further directions are called for, the present petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

19th July, 2022
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No