

CRWP-5009-2022 (O&M)

228

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

CRWP-5009-2022 (O&M)

Date of decision: June 02, 2022.

Narinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

**PRESENT: Mr.Jasjeet Singh, Advocate,
for the petitioner.**

Mr.Harsimar S. Sitta, AAG, Punjab.

**Mr.Amit Arora, Advocate,
for respondent Nos.7 to 9.**

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section Article 226 of the Constitution of India, praying for issuance of a writ, order or direction especially in the nature of habeas corpus for recovering and releasing the detainee as named in the headnote of the petition who is stated to be aged 17 years with a further prayer to produce her before the Child Welfare Committee, Taran Tarn or District Patiala and to send her to protection home in order to protect life and liberty of the detainee from the private respondents.

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On 23.5.2022, this Court had passed the following order:-

“Notice of motion.

Mr. S.S. Cheema, AAG, Punjab appears for respondent No.1 to 3.

Learned State counsel is directed to verify as to whether there is any threat to the life of the alleged detainee. He is further directed to get the statement of the said detainee recorded before the Child Welfare Committee, District Tarn Taran and in case, as per her statement, there is any apprehension to her life and liberty at the hands of private respondents, then she be kept either at the nearest Nari Niketan or at the Protection Home.

Adjourned to 2.6.2022.

Needful be done before the next date of hearing. Reply/status report be also filed on or before the next date of hearing.

(VIKAS BAHL)

JUDGE

23.5.2022”

Learned counsel for the State, on instructions from ASI Avtar Singh, has submitted that statement of the detainee was recorded before the Child Welfare Committee, Jalandhar on 24.5.2022 and she has stated that her parents got her forcibly married to a person – respondent No.6 on 13.2.2022 against her wishes and she does not want to reside with said respondent No.6 or with her parents and she had left the company of

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said respondent No.6 to live with the present petitioner but respondent Nos. 7 to 9 had forcibly taken her to their home and had given beatings to her and she is apprehending threat to her life from them.

Learned counsel appearing for respondent Nos.7 to 9 has submitted that in the present case an FIR has been registered against the present petitioner and the police is not taking any action on account of the present petition.

This Court has heard the learned counsel for the parties and has perused the record.

The prayer in the present petition is only qua the protection of the minor girl who was stated to be detinue in the present case. It is apparent from the statement made by the detinue before the Child Welfare Committee, Jalandhar, that respondent Nos.7 to 9 have forcibly married her to respondent No.6 against her wishes, although she as per the case of the private respondents is also a minor. As per her statement, private respondents had given her beatings and therefore, there is an apprehension in her mind that harm could be caused to her in case she lives with respondent Nos.7 to 9. Although the detinue has stated that she is in love with the petitioner and wants to marry him after she attains majority but as on date since she is a minor thus, her custody cannot be handed over to the petitioner and thus, the best course in the present case, keeping in view the safety of the said minor, is to keep her in the Children Home – Gandhi Vaneeta Ashram, Jalandhar, where she is presently residing in compliance

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of the order dated 23.5.2022.

The present petition is, accordingly, disposed of.

However, in case before attaining the age of majority, the detenue wishes to reside with her parents, then it will be open to her to give a written request to the Incharge, Children Home – Gandhi Vaneeta Ashram, Jalandhar, in said regard and the said request made by her would be complied with. In case after attaining the age of majority, she wishes to live with the present petitioner then, she would be permitted to do so.

June 02, 2022.
raj arora

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No