

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-10680-2021 (O&M)
Date of decision: 05.04.2022

Ganga

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for issuance of a writ in the nature of habeas corpus for releasing the petitioner from the illegal detention of respondent No.3-Children Home, Gandhi Vanita Ashram, Jalandhar.

Learned counsel for the petitioner submits that the petitioner is aged about 19 years, however, she is not possessing any proof of birth and she was residing with her parents till April, 2021. The petitioner left the paternal home on her own will and thereafter, FIR No.31 dated 05.05.2021 under Sections 363, 366-A IPC, Police Station Pojewal, District SBS Nagar

was registered on the statement of father of the petitioner. It is further submitted that after registration of FIR, the petitioner was produced before SDJM, Balachaur and after recording her statement under Section 164 Cr.P.C., she was sent to Gandhi Vanita Ashram, Jalandhar, as she stated that her family members gave beatings, due to which, she left the maternal home. It is also submitted that SDJM, Balachaur got conducted ossification test of the petitioner at Civil Hospital, Jalandhar, where her age was stated to be about 17 years.

Learned counsel further submits that now a period of about 10 months has lapsed and even as per said test, the petitioner has attained the age of 18 years. Learned counsel has placed on record the order dated 04.02.2022 passed by the Judicial Magistrate 1st Class, Balachaur, wherein the cancellation report prepared by the police, after giving notice to Sarpanch of the village as well as complainant Gian @ Giani i.e. father of the petitioner and recording their statements, has accepted the same. It is further submitted that in view of the above, there is no legal impediment for releasing the petitioner and she cannot be kept in Gandhi Vanita Ashram, Jalandhar against her wishes.

Accordingly, Judicial Magistrate 1st Class, Balachaur, SBS Nagar is directed to record statement of the petitioner and she be set free as per her wishes, after recording her statement.

Superintendent, Children Home, Gandhi Vanita Ashram,

Jalandhar as well as SHO, Police Station Pojewal, District SBS Nagar are directed to depute a Lady Constable to produce the petitioner before the Court on 08.04.2022 at 10.00 a.m.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

05.04.2022
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No