

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(216)

CRR-2845-2022

Date of Decision: 23.12.2022

Gurmeet Kaur & another

--Petitioners

Versus

State of Punjab

--Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.**

Present:- Mrs. Kanwal S. Walia, Advocate for the petitioners.

Mr. Karunesh Kaushal, A.A.G., Punjab.

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**RAJESH BHARDWAJ.J (Oral)**

The present revision petition has been filed impugning the order dated 22.11.2022 passed by the learned Addl. Sessions Judge, Fast Track Special Court, Patiala vide which the victim has been shifted to Children's/Shelter Home.

Learned counsel for the petitioner submits that victim in this case is a helpless child, who was removed from the custody of her biological parents by virtue of the impugned order. She submits that the brother of the victim i.e. Child in Conflict is living with the relatives and not in the parental home. Counsel submits that the learned Trial Court failed to appreciate the same and thus ignoring the plight of the victim she was directed to be removed from her parental home and shifted to the Children's Home. It is submitted that the victim is a student of 10<sup>th</sup> class and for her examination she is to be taken to her school and brought back also. It is submitted that keeping in view the overall facts and circumstances of the case and tender age of the victim she deserves to be shifted back to her parental home in the custody of her biological parents.

This court vide order dated 19.12.2022 had directed the State

to file a status report in the matter and the IO of the case was also directed to interact with the victim.

Learned State counsel has placed on record the status report by way of affidavit of Jaswinder Singh Tiwana, Dy.S.P., City-2, District Patiala. Same is taken on record.

IO Sandeep Kaur is also present in person. Court has interacted with her. She submits that she had personally interacted with the victim child and found that the child wants to join the company of her parents.

After hearing learned counsel for the parties and perusing the record, it is apparent that the victim in this case is 15 years of age and is a student of 10<sup>th</sup> class. She has been removed from the company of her biological parents and was ordered to be shifted to Children's/Shelter Home. The Child in Conflict is already living with his relatives. This court cannot ignore the fact that biological parents are the most safe and protected guardian for any child. Resultantly, the victim child deserves to be allowed to join the company of her parents. Accordingly, the impugned order dated 22.11.2022 is set aside and the custody of the victim child is directed to be handed over to her parents forthwith. State is directed to ensure that the victim child be provided all the assistance as envisaged under the Juvenile Justice Act in accordance with law.

Petition is allowed in the aforesaid terms.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**23.12.2022**

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