

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

205

**CRWP-2214-2022**

**Decided on : 17.03.2023**

Sandeep Singh and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

**PRESENT:** Mr. C.S. Rana, Advocate  
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

Ms. Navneet Kaur, Advocate  
for respondents No.4 to 6.

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**SANJAY VASHISTH, J. (Oral)**

On 05.01.2023, following order was passed by this

Court:

*“Learned State counsel submits that in compliance to the order dated 11.03.2022, affidavit dated 22.03.2022 of Surinder Pal, PPS, Deputy Superintendent of Police (Crime Against Women and Children), Ferozepur, to be filed on behalf of State of Punjab, is ready with him, but inadvertently, the portion of Para 3 of said affidavit has been underlined by the office. Therefore, he can file another reply by getting the same prepared again.*

*Considering the fair stand of the learned State counsel, copy of the aforesaid affidavit produced by him today before this Court, is taken on record. Registry is directed to tag the same with the file and page mark the same.*

*Learned State counsel reads out Para 3 and 4 of affidavit which says as under:-*

*“3. That in compliance of said order it is submitted that on 15.03.2022, petitioner no.2 alone appeared in the office of Senior Superintendent of Police, Ferozepur and produced the copy of order dated 11.03.2022. Then on the same day i.e. 15.03.2022, as per directions of Senior Superintendent of Police, Ferozepur, Sub Inspector Sone (Lady employee) took the petitioner no.2 before the Ld. Court of Chief Judicial Magistrate, Ferozepur and got recorded her statement u/s 164 Cr.P.C. In her statement petitioner no.2 got recorded that she herself had left her house and went with petitioner no.1 and both of them resided*

*together in a room by taking the same on record for a week. She further stated that her father has already been died and she has apprehension at the hands of her brother and cousin brother and she want to reside with the parents of petitioner no.1.*

*4. That on 16.03.2022, petitioner no.2 was produced before the Children Home, Gandhi Vanitaa Ashram, Jalandhar. Copy of the receipt is attached herewith as Annexure R-1/T.”*

*As per affidavit of State, petitioner No.2, is said to be of the age of 16 years and 6 months and after recording of her statement under Section 164 Cr.P.C., she was produced before Children Home, Gandhi Vanitaa Ashram, Jalandhar.*

*After reading out the affidavit produced by the State, counsel*

*for the petitioner submits that in fact, petitioner No.2 is presently residing with petitioner No.1, and she is not in the Children Home, Gandhi Vanitaa Ashram, Jalandhar.*

*Learned State counsel seeks some time to get some instructions, as to how the minor girl has again gone back to the custody of petitioner No.1 as stated by counsel for the petitioner today in the Court, once she was brought before the Children Home, Gandhi Vanitaa Ashram, Jalandhar.*

*Adjourned to 28.02.2023.”*

On 28.02.2023, factum of registration of FIR against petitioner No.1-Sandeep Singh was noticed and thereafter, on 10.03.2023, following order was passed:

*“On the previous occasions, this Court wanted to have clarifications on the issue that despite petitioner No.2 being minor of the age of 16 years and 06 months, how she is staying in the company of petitioner No.1, especially, when her statement under Section 164 Cr.P.C. had been recorded and custody was handed over to Children Home i.e. Gandhi Vanita Ashram, Jalandhar. It has already been recorded by this Court that a criminal case has already been registered against petitioner No.1.*

*Although, counsel appearing for the petitioners seeks withdrawal of the present petition, but to confirm the custody status of petitioner No.2 as on date, permission to withdraw present petition cannot be entertained at this stage.*

*Learned State counsel seeks some more time to clarify the said aspect.*

*Adjourned to 17.03.2023.”*

In response to the concern shown by the Court, qua the minor girl i.e. petitioner No.2-Manjinder Kaur, which is recorded in the previous order, learned State counsel while referring to the affidavit dated 21.02.2023

Ferozepur (which is already on record), reads out Para No.3 of the same, which says as under:-

*“That in compliance of said order it is submitted that deponent called the report from the Children Home, Gandhi Vanita Ashram, Jalandhar and in his report no.14/1129 Dated 06.02.2023 submitted by Superintendent, Children Home, Gandhi Vanita Ashram, Jalandhar, has mentioned that Manjinder Kaur (Petitioner no.2) was admitted in said Ashram on 16.03.2022 in compliance of order 05 Chandigarh. After that, Manjinder Kaur was sent to her parental passed by the Hon'ble Punjab and Haryana High Court, house with his mother Charanjit Kaur in compliance with an order dated 06.04.2022 passed by Ld. Child Welfare Committee, Ferozepur. Copy of the report is attached herewith as Annexure R- I/T, whereas copy of order dated 06.04.2022 passed by Child Welfare Committee, Ferozepur is attached herewith as Annexure R- 2/1 Hence, an affidavit is being filed for kind perusal of this Hon'ble Court.”*

Today again, another short affidavit dated 07.03.2023 of Palwinder Singh, PPS, Deputy Superintendent of Police, Zira District Ferozepur, on behalf of respondent-State is being filed by learned State counsel in court today, which is taken on record. Office to tag the same at appropriate place.

Learned State counsel refers to the Para 3 of the said affidavit, which says as under:

*“That in compliance of said directions/order, the verification was conducted and during investigation/verification statement of complainant and victim was recorded in which they have mentioned that now matter has been compromised and they will solemnize the marriage of victim with Sandeep Singh @ Morris after attaining the age of majority of victim and both the families are having visiting terms with each other. However, during investigation it is found that the victim is residing at her parental house with the complainant. Copy of statement of complainant is attached herewith as Annexure R-1/T. Hence, an affidavit is being filed for kind perusal of this Hon'ble Court.”*

In view of the aspect that petitioner No.2 is presently staying in the house of her parents. This Court feels satisfy on the concerned expresses on the previous date of hearing.

In view of this stand of the State of Haryana and State of Punjab and petitioner No.2-Manjinder Kaur, counsel for the petitioner seeks withdrawal of the present petition.

Dismissed as withdrawn.

Disposed of.

**(SANJAY VASHISTH)**  
**JUDGE**

**March 17, 2023**  
*k.nain*

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|-----------------------------------|---------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes/No</i> |
| <i>Whether Reportable:</i>        | <i>Yes/No</i> |