

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

123

**CRWP-2573-2023
Decided on : 17.03.2023**

Karandeep Singh and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gurpal Singh Sandhu, Advocate
for the petitioners.

SANJAY VASHISTH, J. (Oral)

By way of filing this petition, petitioners seek necessary protection of their lives and personal liberty in view of the fact that they are living in a live-in relationship and are under eminent threats at the hands of respondents No. 4 to 9. Petitioner No. 1 –Karandeep Singh, is aged about 19 years, while petitioner No.2-Jaspreet Kaur is a minor, aged about 17 and half years, who is not of marriageable age, thus are living in a live-in relationship.

It is also contended by the counsel that parents of petitioner No.2-Jaspreet Kaur are forcing her to marry with an old aged person, who is a drug addict and said fact has been mentioned in Paragraph No.3 and 5 of the petition.

In the context of threat perception at the hands of private respondents No. 4 to 9, petitioners have allegedly moved representation dated 14.03.2023 (Annexure P-3) to Senior Superintendent of Police, Sri Muktsar Sahib, (respondent No. 2), wherein, all the apprehension to their lives has been expressed.

Notice of motion.

On asking of Court, Mr. Anmol Singh Sandhu, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3(State).

Issue of providing protection in case of minor petitioner(s), by way of issuance of a writ in the nature of mandamus as raised in the present petition, has already been dealt with in detail, by a co-ordinate Bench of this Court in the case of **P..... Minor Through Vikram v. State of Haryana and another** (CRWP-2139-2022 (O&M), decided on 28.03.2022) and other connected matters, i.e. CRWP-2140- 2022 (O&M) and CRWP-2250-2022 (O&M). Counsel for the petitioners submits that the petitioners would be satisfied if the present petition is disposed of in terms of the aforementioned judgment, dated 28.03.2022.

4. The co-ordinate Bench in the case of **P..... Minor Through Vikram (supra)**, after noticing various provisions of the Hindu Marriage Act, 1955, the Hindu Minority and Guardianship Act, 1956, the Indian Majority Act, 1875, the Juvenile Justice (Care and Protection of Children) Act, 2015, as also the case law, while partly allowing the said petitions, issued certain directions, which reads as under:-

“26. In view of the above, the petitions are partly allowed with directions as under:-

1. *The minor in all these cases happen to fall within the definition of child in need of care and protection as provided under section 2(14)(vii)(xii) of Juvenile Justice (Care and Protection of Children) Act, 2015. The Senior Superintendent of Police/Superintendent of Police of the respective districts shall depute a Child Welfare Police Officer to produce the minor/child before the Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015.*

- II. *The respective Committee shall conduct enquiry contemplated under Section 36 of the Juvenile Justice (Care and Protection of Children) Act 2015 and pass an appropriate order under section 37 of the said Act, by associating all the stakeholder, and to ensure that the objects of the Juvenile Justice (Care and Protection of Children) Act 2015 are well served.*
- III. *The Child Welfare Committee shall take appropriate decisions with respect to the boarding and lodging of the minor and also to conduct enquiry on all issues relating to and affecting safety and well-being of the child/minor.*
- IV. *During the pendency of such adjudication and passing of orders as contemplated under Section 37 of the Juvenile Justice (Care and Protection of Children) Act 2015, the committee shall also take appropriate interim/decisions as regards placement of a child/custody of the child in need of care and protection.*
- V. *The concerned SSPs/SPs shall also take appropriate steps as warranted by law against the threat perception to the minor as well as to their next friend, through whom the minors have approved this Court and to ensure that the respective petitioners are protected from any physical harm at the instance of the respondents in respective cases.*
- VI. *The petitioners are directed to appear in the office of SSP/SP of the respective Districts within a period of 03 days from today, failing which the concerned SSP/SP shall depute a Child Welfare Police Officer to produce the minor before the Child Welfare Committee within a period of 01 week thereafter.*
- VII. *The Child Welfare Committee constituted under the*

Juvenile Justice (Care and Protection of Children) Act 2015, shall send a compliance report to this Court.”

Petitions are party allowed in terms as aforesaid. Registry is directed to send a copy of the order along with petition(s) and annexures to the concerned Senior Superintendent of Police/Superintendent of Police for necessary compliance.”

5. Having considered the submission made by learned counsel for the petitioners, I am of the view that the facts of the petition in hand are similar to one noticed in the judgment rendered in the case of **P..... Minor Through Vikram (supra)**.

Accordingly, the **present petition is disposed of** in terms of the judgment dated 28.03.2022, rendered in the case of **P..... Minor Through Vikram (supra)**.

6. Besides above, respondent No.2-Senior Superintendent of Police, Sri Muktsar Sahib, is also directed to examine the submission addressed by the counsel that parents of petitioner No.2-Jaspreet Kaur, who is minor, are forcing her to marry to some old aged person, who is alleged to be drug addict. If any substance of truth is found in such submission, an appropriate steps should be taken immediately according to law, for rescuing the petitioner No.2 from the forcible marriage.

(SANJAY VASHISTH)
JUDGE

March 17, 2023

k.nain

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