

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

255

**CWP-12866-2022
Date of decision: 20.01.2023**

KRISHAN KUMAR AND ANOTHER

.....Petitioner

VERSUS

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT AND
OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Ms. Pooja Pande, Advocate
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

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VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India raising a challenge to the order dated 04.05.2022 passed by the Child Welfare Committee, Panchkula whereby the application of the petitioners to meet their minor daughter residing at Bal Sadan, Panchkula.

2. Learned counsel for the petitioners contends that the Child Welfare Committee had declined permission to the petitioners to meet their minor daughter who is residing at Bal Sadan Panchkula and that the impugned order failed to take into consideration the best interest of the child.

3. Learned State counsel has, however, handed over copy of the order dated 13.01.2023 passed in **CRWP- 196 of 2023** titled “**Ankit versus State of Haryana and others**” and has submitted that the above-said Ankit had preferred a petition of Habeas Corpus seeking release of the minor daughter of the petitioners. A status report was accordingly called for by this Court from the Assistant Commissioner of Police (Zone-II), Panchkula which was filed on 12.01.2023. Statement of the daughter of the petitioners was also recorded before the Magistrate wherein she expressed her desire to go with Ankit-the petitioner therein. In terms of her express desire and the statement recorded before the Magistrate, this Court had directed that the minor daughter of the petitioner be released after following due process of law. He further submits that she had already attained the age of majority. The relevant part of the order dated 13.01.2023 passed by this Court in CRWP-196-2023 read thus:

“The petitioner has approached this Court praying for issuance of a writ in the nature of habeas corpus and appointing a warrant officer for releasing the detenue, namely, Priya, from custody of respondents No.4 and 5.

Status report by way of affidavit of Raj Kumar, HPS, ACP (Zone II), Panchkula dated 12.01.2023 filed in Court is taken on record.

It has been submitted by learned counsel for the petitioner that the detenue was sent to Nari Niketan and now she has attained the age of majority and she was produced before the learned Magistrate, where, she deposed that she wanted to go with the petitioner, namely, Ankit and not with her parents as she has threat from them.

A perusal of the status report shows that in Para No.4, it has been stated as under:-

“That in accordance with the order dated 23.12.2022 of this Hon'ble Court the girl Priya d/o Sh. Krishan Kumar was produced by the concerned SHO before the CJM/Duty Magistrate, Panchkula on 30.12.2022 for recording the statements under Section 164 Cr.P.C. where she stated that she did not want to go with her parents and wants to go with the petitioner Ankit”.

In view of the above, when the detenue has already agreed to go with the petitioner, she is at liberty to adopt her future course of action. Accordingly, respondent No.5 is directed to release the detenue as per her desire after following due process of law. The Superintendent of Police, Panchkula would ensure the protection of the detenue, if required, in the present circumstances.”

4. Taking into consideration the subsequent developments and the fact that the minor daughter of the petitioners has already been released from Bal Sadan as per her own wish and that she has accompanied the writ petitioner therein, no further directions are required to be issued in the present petition. The same is accordingly disposed of as having been rendered infructuous at this Stage. The petitioners are, however, shall be at liberty to take recourse to the alternative remedy available to them in accordance with law, if so advised.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 20, 2023
Vishal Sharma

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