

CRWP-4719-2023

2023:PHHC:095885

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

CRWP-4719-2023

Date of Decision:27.07.2023

Jaspal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Kumar Premi, Advocate
For the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Gaurav Sethi, Advocate
for respondents No.4 & 6.

ANOOP CHITKARA, J.

Seeking release of alleged detainee, the petitioner has come up before this Court under Article 226 of the Constitution of India.

2. Counsel for the petitioner has handed over school leaving certificate of the detainee, as per which, date of birth of the detainee is 10.04.2007. Original certificate has been returned back to counsel for the petitioner and copy of the same has been taken on record. This certificate corroborates the date mentioned on Aadhar Card. The petitioner as per Aadhar Card is minor.

3. However, detainee's mother-respondent No.6/Mrs. Rani Kaur, is present in the Court represented by Mr. Gaurav Sethi, Advocate. Counsel appearing for respondent No.6 submits that now the detainee is living with her mother.

4. Given such statement, since the detainee is minor, let Mrs. Rani Kaur produce the detainee through investigator, before the concerned female Judicial Magistrate tomorrow at 12 noon. The concerned Judicial Magistrate shall interact with her and it is the concerned Magistrate's discretion whether to record her statement under Section 164 Cr.P.C or to proceed without that. It is clarified that in case, Mrs. Rani Kaur fails to produce the detainee before the concerned Judicial Magistrate, the concerned SHO shall take legal steps in accordance with law.

5. Learned Judicial Magistrate will either send the minor to Child Protection Home or to her parents as per the result of the interaction with her.

6. It is clarified that there is no adjudication on merits. It is also clarified that this order is not a blanket bail in any FIR for the petitioner.

7. State is also requested to inform the concerned District Attorney with regard to this order.

8. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

Petition is disposed of in the terms mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

27.07.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.