

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

259

CRWP-5138-2023 (O&M)
Date of decision: 05.09.2023

Sunita Kaur and Another

....Petitioners

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Charanjit Singh, Advocate for
Neeraj Januha, Advocate for the petitioners

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of an appropriate Writ, Order or directions to official respondent Nos.1 to 3, especially, in the nature of mandamus to protect the life and liberty of petitioners from private respondent Nos.4 to 6.

2. Learned counsel submits that petitioner Nos.1 and 2 have since married on petitioner No.1 having attained the age of 18 years.

3. Reply by way of affidavit of Satvinder Singh Virk, PPS, DSP, Jagraon, District Ludhiana (Rural) has been filed by learned State counsel. The same is taken on record. He refers to para 4 thereof, which reads thus:

“That the petitioner No.1 gave statement that as per her Aadhar Card her date of birth is 02.08.2005. She is major now and she does not want to go with her parents and she wants to go with the parents of Daljeet Singh son of Naib Singh resident of Agwar Pona, Jeewan Basti Jagraon, District Ludhiana with her free will, consent and without any pressure. Copy of

statement of the petitioner No.1 is enclosed as Annexure R-1/T.”

4. A reference is made to the report dated 11.08.2023, received from learned SDJM, Jagraon, which reads thus:

“Statement of Sunita Kaur daughter of Jaspal Singh, resident of Kothe Premsar, Block Jagraon, District Ludhiana on SA.

Stated that I have submitted my original identity card proof such as Aadhar Card and 10th certificate at Gandhi Vanita Ashram, Kapurthala Road, Jalandhar. I have placed on record copy of Aadhar Card as per which my date of birth is 02.08.2005. I am major now and I do not want to go with my parents and I want to go with the parents of Daljeet Singh son of Naib Singh, resident of Agwar Pona, Jeewan Basti, Jagraon, District Ludhiana with my free will, consent and without any pressure. “

5. A reference is made to report dated 13.07.2023 received from Child Welfare Committee, Ludhiana, which reads thus:

“In compliance of the orders issued by Hon’ble Mr. Justice Aman Choudhary regarding CRWP-5138-2023, Sunita Kaur and Others vs. State of Punjab and Others, the child Sunita Kaur (Age 17 yr approx) D/o Jaspal Singh R/o Kotthe Premsar, Jagroan, Ludhiana, who was produced by on 06th July, 2023 by Kirandeep Kaur (Sub Inspector) along with Police Party, P.S. Jagroan, Ph. No. 8284911407 Counselling of the girl child was done by CWC Member. According to medial report the child is pregnant and she does not want to go along with her parents.

Further, in compliance to the said orders, keeping in view the best interest of the child Sunita Kaur, Child Welfare Committee, Ludhiana, is hereby, issuing the orders regarding;

1. Place of the child Sunita Kaur in the Child Care Institution Gandhi Vanita Ashram, Jalandhar, till further order.”

6. Learned counsel limits his prayer and submits that the petitioners would be satisfied if a direction is issued to respondent No.2 to decide their representation dated 20.05.2023 (Annexure P-3) submitted by them.

7. In view of the limited prayer made by the learned counsel for the petitioners and without going into the merits of their claim, this petition is

disposed of with direction to respondent No.2 to look into the representation dated 20.05.2023 (Annexure P-3) submitted by the petitioners and decide the same expeditiously, in accordance with law.

8. It is however, made clear that this order shall not preclude the authorities to proceed against the petitioners, in case, they are found involved in any other criminal proceedings, instituted/pending against them if there is some evidence that surfaces regarding their involvement in a cognizable offence, for which they may be required by the investigating agency.

(AMAN CHAUDHARY)
JUDGE

September 05, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No