

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRWP-6020-2023
Date of decision: 16.06.2023

KHUSHI AND ANOTHER

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. Jimmy Singla, Advocate
for the petitioners.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed by the petitioners wherein age of petitioner No.1-Khushi daughter of Kuldeep Singh has been stated to be 19 years by making a reference to the Aadhar Card wherein the Date of Birth has been recorded as 13.02.2004.

2. Learned State counsel has handed over today a copy of the Matriculation Certificate issued by the Punjab School Education Board wherein the Date of Birth of the petitioner No.1-Khushi has been recorded as 24.09.2007. Hence, she is 16 years of age as per the Matriculation Certificate. He further informs that a criminal case has already been registered against the petitioner No.2 for having taken away the minor girl.

3. Apparently, disputed questions of fact are involved in the

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present case and there is no occasion for directing issuance of any protection to the petitioner No.2 at this stage. However, the petitioner No.1 shall be produced before the Senior Superintendent of Police, Sangrur as well as to the Child Welfare Committee of the District concerned.

4. Counsel for the petitioner undertakes that petitioner No.1 shall be produced before the Senior Superintendent of Police, Sangrur as well as to the Child Welfare Committee of the District concerned whereupon the petitioner No.1 shall be sent to the Protection Home and subsequent proceedings shall be carried out thereafter by the competent authority.

5. Considering the above said circumstances and the fact the Court which has to assume the role of parents patriae with respect to a minor, it is desirable to direct as under:

1. The minor in this case 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 district 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 an 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 decision 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 her next friend, through whom the minor has approached 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 receipt of this copy, 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.

6. Registry of this Court is directed to send a copy of this order along with the petition and the annexures to the concerned Senior Superintendent of Police, Sangrur as well as to the Child Welfare Committee of the District concerned for necessary compliance.

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7. A compliance report be furnished by the Child Welfare Committee to this Court within a period of two months from the receipt of certified copy of this order.

The petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 16, 2023
Vishal sharma

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