

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

210

CRWP-7715-2022 (O&M)

Decided on : 24.04.2123

Abhishek and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: None for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

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**SANJAY VASHISTH, J. (Oral)**

1. Petitioner No.1 – Abhishek, aged about 20 years & 10 months, and petitioner No.2 – Simar, aged about 16 years & 09 months (minor), have filed present petition for seeking protection against respondents No.4 to 6, to not to harass them illegally, and to restrain from interfering in their lives. Petitioners have also prayed for for security to their lives.

2. On 10.08.2022, Coordinate Bench of this Court passed the following order:-

*“ Learned counsel for the petitioners has prayed for withdrawal of the present petition.*

*Petitioner No.2 is a girl of the age of 16 years and 9 months and is a minor and is stated to be in a living relationship with petitioner No.1.*

*The prayer made by the learned counsel for the petitioners for withdrawal of the present petition is hereby rejected.*

*Notice of motion.*

*Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab accepts notice on behalf of respondent Nos. 1 to 3.*

*Both the petitioners shall appear before the SSP, Gurdaspur within a period of 3 days and thereafter, the SSP, Gurdaspur is hereby directed to depute some senior police lady officer who shall associate with the woman member of the District Child Welfare Committee and thereafter take appropriate steps for sending petitioner No.2 in the Nari Niketan/Safe Home which the lady police officer deem it fit and proper and safe enough. Petitioner No.2 is stated to be 16 years and 9 months. Thereafter the statement of petitioner No.2 shall be got recorded before the learned Illaqa Magistrate as to whether she is willing to go and stay with her parents or not. Before recording of the statement by the Illaqa Magistrate, the Illaqa Magistrate shall ensure that the statement is being given by petitioner No.2 in a voluntarily manner. In case the petitioner No.2 is voluntarily willing to go back and stay with her parents, then the lady police officer alongwith the Member of the District Child Welfare Committee will safely hand over petitioner No.2 to her parents. In case the petitioner No.2 does not wish to go to her parents, then she shall be sent to the Nari Niketan/Safe Home till the time she attains the age of majority.*

*The learned Deputy Advocate General, Punjab is also requested to supply a copy of order to the SSP, Gurdaspur.*

*Adjourned to 24.08.2022.”*

3. Learned State counsel while referring to para No.5 of the short reply dated 09.09.2022, submits that petitioner No.2 being minor, aged about 16 years, has been handed-over to her father, after recording her statement. Para No.5 says as under:-

*“5. That, it is humbly submitted that the statement of Simar D/o Manga Masih resident of Sangar aged about 16 years PS. Dhariwal District Gurdaspur has been got recorded by Inspector Sukhjit Kaur along with Rajni Bala woman member of the District Child Welfare*

*Committee on 12.08.2022 in the Id. Court of Ms. Reeta Hans, JMIC, Batala, wherein, she stated that on 05.08.2022 she left her home with her own wish and had gone with Abhisek S/o Jamesh Masih resident of Diwaniwal Khurd, Tehsil Batala, District Gurdaspur with her own wishes. After that she went to Hon'ble Punjab and Haryana High Court for seeking protection of the life and liberty being minor age they were not granted any relief. Presently she want to go with her father and she was handed over to her parent. The copy of the statement and handing over memo is annexed herewith as Annexure R-1 and R-2 respectively. The compliance of the order's passed by the Hon'ble Punjab and Haryana High Court at Chandigarh has been made."*

4. There is no representation on behalf of the petitioners.
5. Dismissed for non-prosecution.

**(SANJAY VASHISTH)**  
**JUDGE**

**April 24, 2123**

*J.Ram*

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