

CRWP-7448-2023

2023:PHHC:102132

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

CRWP-7448-2023

Date of Decision:08.08.2023

Balbeer Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

Petitioner, who is father of the detenue (name withheld being minor girl) was allegedly taken by respondent No.4 and is currently in his company, has come up before this Court seeking her release.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order, this Court proposes to pass, neither the response of official respondents is required nor exists any requirement to issue notices to the private respondents.

3. Petitioner's counsel submits that the detenue and respondent No.4 had earlier filed a joint protection petition before this Court bearing number CRWP-6283-2023 and vide order dated 04.07.2023, this Court had directed the investigator to produce the minor girl before the concerned Judicial Magistrate for recording her statement. He further submits that the above said order is not complied with till date.

4. Be that as it may, in the present case, the petitioner who is a natural guardian of the detenue, seeks her custody, as such, the investigator is directed to produce the minor girl before the concerned Judicial Magistrate. 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.

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

6. *It is made clear that this order be complied with on top priority and the minor detainee's custody shall NOT be handed over to respondent No.4.*

7. *This order shall eclipse after fifteen days from today.*

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 allowed to the extent mentioned above. Liberty reserved to the petitioner to approach this Court again in case need arises. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

08.08.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.