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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-11596-2023
Date of decision: 08.12.2023

AMANDEEP KAUR AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Deepak K. Bartia, Advocate
for the petitioners.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Prashant Bansal, Advocate
for respondents No.4 to 6.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed by the petitioners for seeking protection of their life and liberty.
2. Reply has been filed by way of affidavit of Superintendent of Police, Ambala by learned State counsel in Court today and the same is taken on record.
3. Petitioner No.1 is stated to be a girl of the age of 16 years and 11 months. On the last date of hearing, notice of motion was issued and considering the age of the girl, this Court had passed the following order:-

“Learned counsel for the petitioner submitted that the petitioner No.1 is a minor girl of the age of 16 years and 11

months and the petitioner No.2 is a boy of the age of 24 years. He further submitted that both of them are residing in a live-in-relationship and petitioner No.1 has refused to stay with her parents because of the reason that they are getting the petitioner No.1 (girl) forcibly married to some other person of their choice, regarding which, he also referred to Para No.5 of the petition.

Notice of motion.

Mr. Vishal Kashyap, DAG, Haryana, accepts notice on behalf of the official respondents. Complete set of paper book stands supplied to him.

Since the petitioner No. 1, who is a girl, is stated to be a minor and is not even married to petitioner No.2 and the fact that being minor she could not even have sworn in affidavit or have attached affidavit which she has of course not done, but the petition has been filed without disclosing as to through whom the petition has been filed except in the memo of parties wherein it has been so stated that it has been filed through petitioner No.2 whereas the petitioner No.2 is not related to petitioner No.1 except for being the live-in-relationship partner. Therefore, on the face of it, this petition could not have been filed by petitioner No.1 being a minor without any next friend or guardian. Be that as it may, the wishes of petitioner No.1 has also to be considered once it has been so stated that petitioner No.1 is residing in a live-in-relationship with petitioner No.2.

In view of the above, it is directed that the Superintendent of Police, Ambala shall forthwith depute a team of police officials headed by a woman police officer to immediately visit the place or house where the petitioner No.1 is residing or any other such place and to get her statement recorded immediately before the Illaqua Magistrate. Thereafter, petitioner No.1 shall be sent to a safe

Nari Niketan forthwith. The safety of petitioner No.1 shall be the responsibility of the Superintendent of Police, Ambala. Thereafter, an affidavit shall be filed before this Court.

A copy of the order be given to the learned DAG, Haryana immediately and he is requested to transmit this copy to Superintendent of Police, Ambala forthwith for a prompt action.

Adjourned to 08.12.2023.”

4. Today, the learned State counsel submitted that efforts were made to trace the girl but she could not be traced. However, at this stage, the learned counsel for the petitioners has appeared and submitted that the girl is present in the Court. The girl was specifically asked as to whether she wants to go with her parents, who are also present in the Court, to which she refused. She was also told that since she is a minor she cannot be permitted to stay with petitioner No.2-boy especially when they are not even married and are in a live-in-relationship. She was also asked as to whether she is willing to go and stay at the Children Home till the time she attains the age of majority, to which she stated that she will prefer not to go with her parents but will prefer to go to Children Home.

5. This Court is of the view that petitioner No.1 is a minor girl of the age of 16 years and 11 months and she has refused to go with her parents, therefore, it will be in the interest of justice to send petitioner No.1, namely, Amandeep Kaur to stay in Children Home. Ms. Shanti Devi, Sub-Inspector, Women Police Station, Naraingarh, District Ambala, Haryana is also present in the Court and she is directed to take the interim custody of the minor girl-petitioner No.1 for the purpose of taking her safely to Children Home.

6. Learned State counsel as well as the learned counsel for the petitioners have submitted that Ashiana Children Home, Sector-16, Panchkula is the nearest and the safest Children Home and so they have jointly requested that the girl can be sent to Ashiana Children Home, Sector-16, Panchkula till the time she attains the age of majority. This Court therefore directs the team from Protection Cell at Panchkula to also come to the Court and assist the concerned lady police official, who is present in the Court.

7. In view of the above, petitioner No.1-girl shall be kept in Ashiana Children Home, Sector-16, Panchkula and Ms. Shanti Devi, Sub-Inspector, Women Police Station, Naraingarh, District Ambala, Haryana is directed to take the girl to Ashiana Children Home, Sector-16, Panchkula in safe custody with the assistance from the team of Protection Cell, Panchkula. After the petitioner No.1-girl is safely sent to the aforesaid Children Home, then it shall be the responsibility of the In-charge, Ashiana Children Home, Sector-16, Panchkula to keep the girl in a safe condition till the time she attains the age of majority.

8. However, if at any stage, prior to her attaining the age of majority the girl herself makes a request to the In-charge of concerned Children Home that she is ready and willing to stay with her parents till the time she attains the age of majority, then in that situation she may be sent to her parents in safe custody after apprising and seeking permission from the Child Welfare Committee, Panchkula.

9. Learned counsel appearing on behalf of respondents No.4 to 6, who are the parents of the girl has requested that while petitioner No.1 is in Ashiana Children Home, Sector-16, Panchkula they being her parents may be permitted to meet her at least occasionally. In this regard, it is directed that in

case any such request or application is made to the In-charge, Ashiana Children Home, Sector-16, Panchkula by the parents of the girl, then the same shall be considered sympathetically.

10. The Secretary, District Legal Services Authority, Panchkula is directed to visit the concerned Children Home every month to record the willingness of petitioner No.1-girl as to whether she wants to stay with her parents or not.

11. Consequently, the present petition is disposed of.

12. A copy of this order be given to Ms. Shanti Devi, Sub-Inspector, Women Police Station, Naraingarh, District Ambala, Haryana forthwith for the compliance of this order.

08.12.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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