

2023:PHHC:165272

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

128

CRWP-12260-2023

Date of Decision : **December 22, 2023**

RAJENDRA SINGH

.....Petitioner

VERSUS

UT CHANDIGARH AND ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gagan Oberoi, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.
Mr. Tarun Vir Singh Lehal, Addl. PP for UT, Chandigarh.

KULDEEP TIWARI. J.(Oral)

1. In compliance to the order dated 19.12.2023, the alleged detainee, namely, Neeraj has been produced before this Court by ASI Reena.
2. The learned State counsel has placed on record an affidavit sworn by the Superintendent of Police, Jind for making compliance of the last order passed by this Court. The affidavit reveals that the enquiry with regard to the age of the alleged detainee was conducted by the local police with great efforts and it has come out that the date of birth of the alleged detainee is infact 19.8.2006 instead of 10.1.2003 as mentioned in her Aadhaar card which was the basis of procuring the earlier order from this Court wherein, a claim was raised that the alleged detainee is a major.
3. Further, the statement of the alleged detainee was recorded under Section 164 Cr.P.C., wherein, she categorically stated that she does not want to join the company of her parents. Even today, this Court has put specific query to the alleged detainee whether she wants to join the company of her parents, to which her response was negative.
4. Considering the fact that the alleged detainee is a minor, therefore, she cannot be allowed to join the company of Kartik Singh-

respondent No.9, who is an accused of abduction of the alleged detainee. Therefore, the SP concerned is directed to send the alleged detainee to M.D.D.N. Bal Bhawan, Karnal and she will be staying there, till she attains the age of majority. Thereupon, her statement shall be recorded to ascertain her wish and as per her wish, she be given liberty to move further in her life.

5. The M.D.D.N. Bal Bhawan, Karnal shall ensure the welfare of the alleged detainee and provide adequate facilities so that she can do something good for upliftment of her life.

6. Therefore, the instant petition is disposed of accordingly. However, the present petitioner is at liberty to approach the authority concerned in case he wants to meet the alleged detainee.

7. The present petitioner is also at liberty to take legal action against respondent No.9.

8. A copy of this order be given to the learned State counsel under the signatures of Bench Secretary/Special Secretary.

(KULDEEP TIWARI)
JUDGE

December 22, 2023
ajay-1

9. At this stage, when the entire order has been pronounced, the detainee, Neeraj submits that her mind has been changed and she wants to join the company of her parents.

10. Considering the conduct of the alleged detainee, this Court deems it appropriate to send the matter to the Mediation and Conciliation Centre of this Court. Both the parties are directed to cause appearance before the Mediation and Conciliation Centre of this Court today itself, and the report be called for today itself.

11. In the afternoon, a report from the Mediation and Conciliation Centre has been received, wherein, with the help of the

Mediator, the respective statements of the detainee as well as her father were recorded. The said statements, which were recorded on oath by the learned Mediator, are taken on record as Mark-A and Mark-B respectively.

12. The statements of both the petitioner as well as the detainee are on same line that they want to live together and the father has undertaken that he will not cause any harm to her.

13. Considering the above fact that the grievance, as raised by the petitioner, is redressed and the alleged detainee and the petitioner have settled their differences, no further action is required to be taken. Therefore, the instant petition is disposed of accordingly.

14. ASI Reena is directed to hand over the custody of the alleged detainee to her father-petitioner.

15. A copy of this order be given to the learned State counsel under the signatures of Bench Secretary/Special Secretary.

(KULDEEP TIWARI)
JUDGE

December 22, 2023
ajay-1

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