

**101 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

**CRM-W-317-2024 in/and
CRWP-530-2024
Date of Decision : 16.04.2024**

JUDGE SINGH AND ANOTHERPetitioners

Versus

STATE OF PUNJAB AND OTHERSRespondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present : None for the petitioners.

Mr. Yugank Goyal, Advocate
for the applicants/respondents No. 4 and 5.

Mr. Amit Kumar Goyal, Addl. A.G., Punjab.

SURESHWAR THAKUR, J. (Oral)

1. Co-petitioner No. 2 and co-petitioner No. 1 both entered into a love relationship. However, since co-petitioner No. 2 was a minor, thereby they could not solemnize marriage. The parents of co-petitioner No. 2 who are impleaded as co-respondents No. 4 and 5 in the instant petition, opposed her love relationship with co-petitioner No. 1, as such, both of them filed the instant petition before this Court, whereby a direction was asked to become passed upon respondents No. 1 and 2, to protect their life and liberty, thus on the ground that there is a possibility of overt aggression being projected by the said respondents against their relationship.

2. When the instant petition came up for hearing before this Court on 29.01.2020, the hereinafter extracted order was passed by this

Court.

“ Respondent No. 2 (Senior Superintendent of Police, District Ferozepur) to provide shelter to petitioner No. 2 immediately.”

3. In pursuance to the makings of the said order, co-petitioner No. 2 – Komalpreet Kaur is extantly lodged at Nari Niketan, Jalandhar.

4. When the instant petition came up for hearing before this Court on 22.03.2024, this Court dealt with CRM-W-317-2024, whereby modification of the directions (supra) passed by this Court, was asked to be made.

5. Through an order made on 22.03.2024, this Court however, made a direction upon the Incharge of the Nari Niketan concerned, where co-petitioner No. 2, is presently lodged, thus to ensure the production of the said petitioner before this Court, on 16.04.2024.

6. In pursuance to the said made order, ASI Jaswinder Kaur, Police Lines, Jalandhar, has today produced co-petitioner No. 2 - Komalpreet Kaur, before this Court.

7. For determining the wish and desire of co-petitioner No. 2, this Court recorded the testification on oath of co-petitioner No. 2. The statement made on oath by co-petitioner No. 2 is extracted hereinafter.

“I voluntarily and without any pressure state that I do not wish to any longer stay at Nari Niketan, Jalandhar. I further voluntarily state that I wish to rejoin the company of my parents. Moreover, I also state that I do not intend to maintain any relationship whatsoever with one Judge Singh nor I intend to marry the said person.”

8. Moreover, this Court also to ensure that co-petitioner No. 2 during her stay with her parents is not subjected to any maltreatment or torture on account of her love relationship with co-petitioner No. 1,

thus had also made the parents of co-petitioner No. 2 to make

deposition(s) before this Court. The deposition(s) made by the parents of co-petitioner No. 2 are extracted hereinafter.

(Statement of Amarjeet Kaur wife of Sh. Surjit Singh resident of Kot Sadar Khan, District Moga, Punjab).

“Stated that Komalpreet Kaur is my only daughter. Further, I state on oath that I shall ensure vocational training is imparted to my daughter. I also state on oath that during her stay in my company, she shall be given the optimum care givings.

Furthermore, I also state on oath that my daughter shall not be subjected to any beatings.”

(Statement of Surjit Singh son of Sh. Pala Singh resident of Kot Sadar Khan, District Moga, Punjab).

“Stated that I work as a labourer in farms and earn a daily wage of about Rs. 500/- to Rs. 600/-. I state on oath that I shall give maximum love and affection and care to my daughter Komalpreet Kaur. I also assure this Court that I will ensure that vocational training is imparted to my daughter.

In addition, I also assure this Court that during her stay in my company, she shall not be tortured or beaten up for her relationship with one Judge Singh.”

9. On a reading of the above made statements on oath before this Court respectively by co-petitioner No. 2 and by her parents, who are impleaded as co-respondents No. 4 and 5 in the instant petition, it is but evidently clear that co-petitioner No. 2, does not intend to any longer stay at Nari Niketan, rather she intends to join the company of her parents.

10. Moreover, a reading of the testification(s) made by the parents of co-petitioner No. 2, does assure this Court, that in case this Court permits co-petitioner No. 2 to join the company of her parents,

that therebys no imminent danger to the health besides to the furtherings of the educational pursuits of co-petitioner no. 2, if she intends to carry them out, rather shall ensue, predominantly since the parents of co-petitioner No. 2 have assured this Court, that they shall ensure that vocational training is imparted to their daughter, so that therebys she is able to earn for herself.

11. In aftermath, this Court orders the Incharge of the Nari Niketan concerned to forthwith hand over the custody of co-petitioner No. 2 to her parents. However, to ensure that co-petitioner No. 2 is not subjected to any ill treatment or her parents do not omit to purvey to her the optimum care givings nor derelict in ensuring the impartings to her of vocational training, so that she is able to independently earn for herself, this Court directs the District Child Welfare Officer, Moga, to make fortnightly visits at the abode of co-respondents No. 4 and 5, where co-petitioner No. 2 would be residing, for therebys his/her eliciting the fact whether the statements on oath as made by the parents of co-petitioner No. 2, rather are abided by them.

12. Disposed of accordingly, alongwith all pending application(s), if any.

(SURESHWAR THAKUR)
JUDGE

(AMARJOT BHATTI)
JUDGE

16.04.2024

kavneet singh

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