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**2024:PHHC:033546**

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

**CRWP-1104-2024  
DECIDED ON: 06.03.2024**

**MANOJ KUMAR AND ANOTHER**  
**.....PETITIONERS**  
**VERSUS**  
**STATE OF PUNJAB AND OTHERS**  
**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Harpreet Pal Singh Rakhra, Advocate  
for the petitioners.  
  
Mr. Rajiv Verma, DAG Punjab.  
  
Mr. L.M. Gulati, Advocate for respondents No.4 to 7.

**SANDEEP MOUDGIL, J (ORAL)**

1. This petition has been preferred invoking the jurisdiction of this Court seeking a direction to the official respondents to protect the lives and liberty of the petitioners as well as their son namely Pranav and Taniya daughter of respondent No.4, at the behest of the private respondents, as they have threatened to eliminate them.
2. While issuing notice of motion on 06.02.2024, the minor girl namely Taniya aged about 17 years and 4 months was ordered to be sent to Nari Niketan, Amrtisar, as an interim measure and respondent-State was called upon to file a status report qua the veracity and genuineness of the averments made in the present petition including the allegation levelled in representation dated 02.02.2024 (Annexure P-2) qua respondents No.4 to7.

3. In compliance of the afore-said order, status report dated 14.02.2024 by way of an affidavit of Maninder Pal Singh, PPS, Assistant Commissioner of Police, South Amritsar along-with statements of Sushil Kumar, Vaneet Kumar @ Honey, Ajay Kumar @ Nannu and Priyanka, respondents No.4 to 7, was filed.

4. From perusal of status report, it is revealed that neither any truth has been found qua the averments made in the present petition nor any threat perception to the life and liberty of petitioners has been found. It also transpires that the petitioners have filed the present petition in order to take undue benefit in FIR No. 13, dated 31.01.2024, under Sections 363, 366 of the Indian Penal Code, 1860, registered at Police Station 'C' Division, Amritsar, registered at the instance of respondent No.4-Sushil Kumar, including their son Pranav alleging that his daughter had gone to attend her school on 31.01.2024 but never returned back. On inquiry he came to know that his daughter did not reach to school, rather has been abducted on way by Pranav @ Kattu son of the petitioners.

5. The present petition has been preferred before this Court raising the question that whether official respondents are duty bound to protect the life and liberty of the petitioners and whether petitioners can be deprived of their fundamental rights as envisaged under Article 21 of the Constitution of India.

6. Heard learned counsel for the petitioners.

7. This Court being conscious of the fact and concerned about the safety and well being of the minor girl, who is just 17 years and 4 months old, vide order dated 06.02.2024 directed the State to send the girl to Nari Niketan, Amritsar as an interim measure, though kept the petition pending to examine further having concern for the minor girl, as it is welfare of a minor is of paramount consideration

to it, who has approached this Court to seek protection under Article 21 of the Constitution of India.

8. On 06.03.2024 during the course of hearing, this Court conducted a session to counsel the minor girl namely Taniya d/o Sushil Kumar (respondent No.4) aged 17 years and 4 months in an open Court, who denied the fact that she has ever been given beatings by her parents. During the interaction, rather she has opted to join the company of her parents and in this regard she also made a statement before this Court stating that she wants to go back her home, as she has no threat to her life and liberty at the hands of her family members. The said statement is taken on record as document 'A'.

9. The statement of respondent No.4-Sushil Kumar was also recorded in an open Court, who stated that her daughter wants to go back and live with him. The said statement is also taken on record as document 'B'.

10. This Court has no reason to disbelieve the stand taken by minor girl in an open Court in the presence of her counsel and her parents and therefore, she is ordered to be handed over to her parents. Nevertheless it needs to be recorded here that even the respondent No.4-Sushil Kumar (father) showed equal amount of readiness and desire to take her daughter along and since there cannot be any better guardian than the parents of a child, the minor girl namely Taniya is free to accompany her parents from the Court itself.

11. However, as far as role of petitioners are concerned, respondent No.4 will be at liberty to take recourse of law if, at all he wish to initiate any action against them.

12. In the aforesaid terms, nothing survives in the present petition wherein the minor girl namely Taniya denied the fact of any threat at the hands of

respondent No.4, who has rejoined the company of her parents, hence no direction is required as the essence of threat to life and liberty under Article 21 of the Constitution of India is not existing at all.

13. The present petition stands disposed off, in the aforesaid terms.

06.03.2024

Meenu

(SANDEEP MOUDGIL)  
JUDGE

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |