

ANKIT KUMAR

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Saini, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.
Mr. Parshant Bansal, Advocate for respondents No.6 & 7.

HARKESH MANUJA, J. (ORAL)

By way of present petition, prayer has been made for issuance of writ in the nature of habeas corpus for directing respondents No.1 to 3 to hand over the custody of the detenue namely Amandeep Kaur to the petitioner w.e.f. 07.03.2024, the date she attained majority.

2. Previously, Criminal Writ Petition bearing No.11596 of 2023 was filed before this Court at the instance of petitioner regarding the alleged detenue which came to be disposed of vide order dated 08.12.2023. The operative portion thereof is reproduced hereunder:-

"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

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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."

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."

3. In pursuance thereof, the petitioner remained with Ashiana Children Home, Sector 16, Panchkula.

4. By way of present petition, the petitioner prays for release of Amandeep Kaur as she has attained the age of majority w.e.f. 07.03.2024. On 07.03.2024, this Court passed the following order:-

"Notice of motion for 12.03.2024.

Mr. Chetan Sharma, Deputy Advocate General, Haryana, accepts notice on behalf of respondent Nos. 1 to 5- State of Haryana and prays for two days' time to have instructions or file response in the matter.

Learned State Counsel also to inform private respondent Nos. 6 & 7 through the SHO concerned about the pendency of the present petition."

5. In pursuance of the aforesaid, detainee-Amandeep Kaur has appeared before this Court along with SI Shanti Devi, P.S. Women Naraingarh, Ambala.

6. Learned State counsel verified the factum that the alleged detainee namely Amandeep Kaur has turned major as per her matriculation certificate wherein her date of birth is mentioned as 07.03.2006.

7. Considering the aforesaid, once the alleged detenue namely Amandeep Kaur has turned major, she has the liberty to lead her life in the manner she likes.
8. In view thereof, the present petition is disposed of with a request to respondents No.2 and 3 to take necessary steps as regards her release from Ashiana Children Home, Sector 16, Panchkula.

12.03.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

