

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-3796-2024 (O&M)
Date of Decision: 29.04.2024

Bhola Kumar & another	...Petitioners
Versus	
State of Punjab & others	...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.S.Gulati, Advocate, for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner No.1 – Bhola Kumar, aged about 20 years & 3 months and petitioner No.2 – Preeti Chauhan, aged about 17 years & 1 month, both of whom are in a ‘live-in’ relationship, have approached this Court seeking issuance of a direction to official respondents to protect their lives and liberty as they apprehend threat to the same at the hands of private respondents i.e. respondents No.4 to 6, who do not approve of their ‘live-in’ relationship.
2. Learned counsel for the petitioners submits that at this stage the petitioners would be satisfied in case directions akin to the one issued by this Court in P..... Minor Through Vikram Vs. State of Haryana & another (CRWP-2139-2022 (O&M), decided on 28.03.2022) and other connected matters, i.e. CRWP-2140-2022 (O&M) and CRWP-2250-2022 (O&M).

3. A Coordinate Bench in P..... Minor Through Vikram's case (supra), after noticing various provisions of the Hindu Marriage Act, 1955, the Hindu Minority and Guardianship Act, 1956, the Indian Majority Act, 1875, the Juvenile Justice (Care and Protection of Children) Act, 2015, as also the case law, issued the following directions:

“26. In view of the above, the petitions are partly allowed with directions as under:-

- I. The minor in all these cases happen to fall within the definition of child in need of care and protection as provided under section (14)(vii)(xii) of Juvenile Justice (Care and Protection of Children) Act, 2015. The Senior Superintendent of Police/Superintendent of Police of the respective districts shall depute a Child Welfare Police Officer to produce the minor/child before the Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015.*
- II. The respective Committee shall conduct enquiry contemplated under Section 36 of the Juvenile Justice (Care and Protection of Children) Act 2015 and pass an appropriate order under section 37 of the said Act, by associating all the stakeholder, and to ensure that the objects of the Juvenile Justice (Care and Protection of Children) Act 2015 are well served.*
- III. The Child Welfare Committee shall take appropriate decisions with respect to the boarding and lodging of the minor and also to conduct enquiry on all issues relating to and affecting safety and well-being of the child/minor.*
- IV. During the pendency of such adjudication and passing of orders as contemplated under Section 37 of the Juvenile Justice (Care and Protection of Children) Act 2015, the committee shall also take appropriate interim/decisions as regards placement of a child/custody of the child in need of care and protection.*

V. *The concerned SSPs/SPs shall also take appropriate steps as warranted by law against the threat perception to the minor as well as to their next friend, through whom the minors have approved this Court and to ensure that the respective petitioners are protected from any physical harm at the instance of the respondents in respective cases.*

VI. *The petitioners are directed to appear in the office of SSP/SP of the respective Districts within a period of 03 days from today, failing which the concerned SSP/SP shall depute a Child Welfare Police Officer to produce the minor before the Child Welfare Committee within a period of 01 week thereafter.*

VII. *The Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act 2015, shall send a compliance report to this Court.”*

Petitions are party allowed in terms as aforesaid.

Registry is directed to send a copy of the order along with petition(s) and annexures to the concerned Senior Superintendent of Police/Superintendent of Police for necessary compliance.”

4. Having heard the learned counsel for the petitioners and having perused the aforesaid judgment, the instant petition is disposed of with a direction to respondent No.2 – Senior Superintendent of Police, SAS Nagar (Mohali) to look into the matter and to dispose of representation dated 23.04.2024 (Annexure P-4) in accordance with law. In case, it is found that there is a genuine threat to the lives and liberty of the petitioners, then necessary steps warranted under law be taken thereupon at the earliest so as to ensure that no harm is caused to the petitioners.

5. The petitioners shall appear before respondent No.2 – Senior Superintendent of Police, SAS Nagar (Mohali) within a period of one week from today.
6. The Senior Superintendent of Police, SAS Nagar (Mohali) shall take necessary steps and do the needful in terms of Para 26 of P..... Minor through Vikram, as reproduced above.
7. A copy of this order alongwith copy of the representation dated 23.04.2024 (Annexure P-4) be sent to respondent No.2 – Senior Superintendent of Police, SAS Nagar (Mohali) so as to enable him to do the needful expeditiously.

29.04.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

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