



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-6045-2024
Date of decision : 25.07.2024

HARDEEP KAUR

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner(s).

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present Criminal Writ Petition under Articles 226/227 of the Constitution of India is for issuance of directions to respondent Nos.2 and 3 to ensure the protection of life and liberty of the petitioner and her friend at the hands of private respondent Nos.4 to 8.

On 27.06.2024, the following order was passed:-

“The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of direction to official respondent Nos.2 and 3 to protect life and liberty of the petitioner and her friend-Nirmal Singh at the hands of respondent Nos.4 to 8.

Learned counsel for the petitioner submits that petitioner is 17 years and about 3 months old. She is in a live-in-relationship with her friend namely Nirmal Singh, on account of which her family members are threatening to eliminate them or involve her friend in false cases. She further submits that due to the above, she being helpless was constrained to



CRWP-6045-2024

-2-

leave the house of her parents and with her sweet will has decided to take shelter of her friend.

It is evident that Nirmal Singh is neither the natural guardian nor guardian appointed by the Court. However, keeping in view the fact that the minor girl is staying with him and brought out these facts, this Court in its capacity as parens patriae should examine, where the best interest of the minor lies.

Considering the above said peculiar facts and circumstances, directions in that regard are being issued:

I. The minor in this case happen to fall within the definition of child in need of care and protection as provided under section 2(14)(vii)(xii) of Juvenile Justice (Care and Protection of Children) Act, 2015. The Senior Superintendent of Police, Mansa 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 an 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 decision 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



CRWP-6045-2024

-3-

interim/decisions as regards placement of a child/custody of the child in need of care and protection.

V. The concerned Senior Superintendent of Police shall also take appropriate steps as warranted by law against the threat perception to the minor as well as to her next friend, through whom the minor has approached this Court and to ensure that the respective petitioners are protected from any physical harm at the instance of the respondents mentioned in the petition.

VI. Nirmal Singh is directed to appear in the office of the Senior Superintendent of Police, Mansa on or before 01.07.2024 alongwith petitioner, so as to forthwith produce the minor before the Child Welfare Committee. In case, Nirmal Singh does not comply with the same, the concerned Senior Superintendent of Police shall depute a Child Welfare Police Officer, for the aforesaid purpose.

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. Registry of this Court is directed to send a copy of this order along with the petition and the annexures to the Senior Superintendent of Police, Mansa as well as to the Child Welfare Committee of the District concerned for necessary compliance. A compliance report be furnished by the Child Welfare Committee to this Court within a period of 15 days.

The aforesaid shall not preclude the police authorities from initiating any proceedings that may be required to be taken against anyone concerned, in case any complaint is received by them in the matter.

Adjourned to 25.07.2024.

Copy of the order be given to the counsel for the petitioner as well as to the counsel for the State, under the signatures of the Bench Secretary, for necessary compliance.”

**CRWP-6045-2024****-4-**

The learned State counsel on instructions submits that the statement of the father of the girl namely, Kuldeep Singh (respondent No.4) has been recorded who has stated that he has no objection if the petitioner resides with her friend Nirmal Singh.

In view of the above, the petitioner who is currently residing at Children Home Gandhi Vanita Ashram, Jalandhar is directed to be released and is at liberty to go with her friend Nirmal Singh, if she so desires.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

25.07.2024
JITESH

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