

2024:PHHC:162229



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-23603-2024

Date of decision: 04.12.2024

CHAND RANI CHAWLA AND ANOTHER

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. P.S. Ahluwalia, Advocate and
Ms. Bhavi Kapur, Advocate
for the petitioners.

Mr. Saurav Verma, Addl. A.G. Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The petitioners have approached this Court seeking invocation of its 'parens patriae' jurisdiction and to depute a Child Welfare Officer for ascertaining the welfare of minor children namely Manseerat Chawla and Keeratiwan Chawla.

2. Learned Counsel appearing on behalf of the petitioners argued that the petitioners are paternal and maternal grandparents of respondents No. 5 and 6 and that respondent No.4 is putting up with one Rohit Gumber who is a person of multiple shades and criminal antecedents. Apprehending danger to the well being of the minor children, the present writ petition had been filed.



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3. This Court, vide its order dated 17.09.2024, directed the Deputy Commissioner, Tarn Taran to depute a Child Welfare and Project Officer as well as Child Counselor to visit the house of Ajanta Hundal, daughter of Karam Singh and to submit a report with respect to the welfare and well being of the children.

4. In compliance thereto, a report by way of an affidavit of Paramvir Singh, IAS, Deputy Commissioner, Tarn Taran, District Tarn Taran had been filed which reads thus:-

“3. That on the receipt of order dated 17.09.2024 passed by the Hon'ble Court alongwith the copy of present petition in the office of the undersigned and the undersigned deputed Sh. Gagandeep Singh, Child Development Project Officer Tarn Taran alongwith Sh. Rajesh Kumar, District Child Protection Officer, Tarn Taran for visiting the house of respondent No.4 and for conducting the verification of the facts and in-pursuance of which, Sh. Gagandeep Singh, Child Development Project Officer Tarn Taran alongwith Sh. Rajesh Kumar, District Child Protection Officer, Tarn Taran, Smt.Jyoti Counsellor, Sukhjinderjit Singh Counsellor, L/Ct. Daljit Kaur, ASI Satnam Singh and ASI Nandlal visited the house of respondent No.2 at Green City, Jhabal By-pass, Tarn Taran on 24.09.2024 and second visit on 11.10.2024.

4. During the, 1st visit dated 24.09.2024 Ajanta Hundal i.e. respondent No.4, Manseerat Chawla (minor) i.e. respondent No.5 and Keertiwan Chawla (minor) i.e. respondent No.6 and one Rohit Gumber were found present and on seeing the Child Development Project



Officer and other team members, the above Rohit Gumber left the house without any intimation and upon calling him several times on his mobile number he did not bother to answer the same.

5. Thereafter, Sh. Rajesh Kumar, District Child Protection Officer, Tarn Taran asked the respondent No.4 namely Ajanta Hundal about Rohit Gumber to which she replied that Rohit Gumber is her brother and he comes to her house rarely. She further stated that she is having a dispute with her husband namely Gagandeep Singh and is residing separately and has divorce proceedings pending before Hon'ble court.

6. Further, during interaction with minor children namely, Keertiwan Chawla and Manseerat Chawla, when they were asked about Rohit Gumber, they replied that Rohit Gumber is brother of their mother and they refer to him simply as 'Rohit'.

7. In addition, DCPO also approached the neighbours and the landlord of house for verification of above facts, upon which it was found that Ajanta Hundal and Rohit Gumber had represented themselves to their neighbours and landlord as husband and wife.

8. That the minor children namely Manseerat Chawla and Keertiwan Chawla expressed that they are happy to reside with their mother respondent No.4, The minor children namely Manseerat Chawla and Keertiwan Chawla feel happy and safe with their mother. Team observed that they were dressed well and they happily going to school daily. They said that they are not facing any ill treatment or neglect while residing with their mother and their mother is fulfilling their all needs.



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9. Both children also stated that their father, Gagandeep Singh, is not in touch with them, has never enquired about their well being or even attempted to call them on mobile and never visited them since the day they have been living separately with their mother.”

5. Counsel appearing on behalf of the petitioner contends that he has serious objections to the report that has been so furnished but he has instructions to take recourse to raising a challenge to the same before an appropriate forum/ including the Child Welfare Committee, if so advised or in a manner known to law. He further undertakes that as a measure of bona fide and to ensure the well being of the children, the petitioners shall create a fixed deposit of Rs. 2 lakhs each in the name of the minor children namely Manseerat Chawla and Keeratiwan Chawla within a period of four weeks and send the original copy of the said fixed deposits to Ajanta Hundal for the welfare of the children which may be encashed on them attaining age of majority. The petitioners shall be the nominees in the said FDRs.

6. Disposed of with liberty to the petitioner to take recourse to the appropriate remedies in a manner known to law. He shall, however, remain bound by statement made today in Court.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 04, 2024

Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No