



CRWP-11640-2024(O&M)

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

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CRWP-11640-2024 (O&M)

Date of decision: 09.12.2024

PRABHSIMRAN KAUR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. Lakhwinder Singh Mann, Advocate for the petitioners.

KIRTI SINGH, J.(Oral)**CRM-W-1552-2024**

This application under Section 528 of BNSS has been filed for seeking withdrawal of the abovementioned petition qua petitioner No.3 and to place on record the amended memo of parties.

The application is allowed. The amended memo of parties is taken on record. Registry is directed to append it at the appropriate place.

Main Case

This petition under Article 226 of the Constitution of India has been filed for seeking a direction to the official respondents to protect the life and liberty of the petitioners from the hands of private respondents (arrayed in the petition) as they are in live in relationship against the wishes of the family members.



2. Learned counsel for the petitioners submits that the petitioner No.1 is 15 years old while petitioner No.2 is 21 years old. The date of birth of petitioner No.1 is stated to be 25.08.2009. The petitioners are in live in relationship, against the wishes of private respondents No.7 to 11. They have placed on record copy of the ID proof and Aadhar card (Annexures P-1 and P-2) to substantiate their claim. The petitioners have also submitted a representation dated 27.11.2024 (Annexure P-4) to respondent No.3 but till date no action thereon has been taken. He further submits that the petitioners will be satisfied if appropriate direction is given to respondent No.3 to consider and dispose of the aforesaid representation dated 27.11.2024 (Annexure P-4) in accordance with law in an expeditious manner.

3. Issue notice to respondents No.1 to 6 only at this stage.

4. At the asking of the Court Mr. Gurpartap Singh Bhullar, AAG Punjab, accepts notice on behalf of respondents No.1 to 6. Learned counsel for the petitioners is directed to supply a copy of complete paper book to the counsel appearing for the State during the course of the day.

5. Heard.

6. The Coordinate Bench of this Court, while examining the issue of protection to the minors in the case of **P..... Minor Through Vikram v. State of Haryana and 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), had disposed of the matter by issuing directions to the Senior Superintendent of Police to depute a



Child Welfare Police Officer to produce the minor before the Child Welfare Committee constituted under the Juvenile Justice Act within a period of 01 week and other directions were issued which read as under:-

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

1. The minor in all these cases 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/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 appeared before 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."



7. In view of the above, the petition is disposed of in the same terms as the judgment dated 28.03.2022, rendered in the case of **P..... Minor Through Vikram versus State of Haryana and another (supra)**. The respondent No.2-Senior Superintendent of Police, Jalandhar (Rural) is directed to depute a Child Welfare Police Officer to produce petitioner No.2 before the Committee constituted under the Juvenile Justice (Care and Protection of Children) Act, 2015, within a week. The other directions issued in the case of **P..... Minor Through Vikram versus State of Haryana and another (supra)** shall also be applicable and complied with by all concerned.

8. The respondent No.3-Senior Superintendent of Police, Khanna (Ludhiana), is further directed to consider the representation qua petitioner No.2 and will grant him necessary protection, if there is any threat to his life and liberty.

9. In case any criminal case is pending against petitioner(s), this order shall not be any hindrance for the Investigating Agency to proceed according to law.

(KIRTI SINGH)
JUDGE

09.12.2024

Kavita

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No