



238

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

**CRWP-3363-2025 (O&M)
DECIDED ON: 31.07.2025**

MANPREET SINGH

.....PETITIONER(S)

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Joginder Pal Devgan, Advocate for the petitioner(s).

Mr. Sandeep Singh, AAG, Punjab.

Mr. Ganesh Sharma, Addl. P.P. UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Article 226 of the Constitution of India read with Section 528 the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking the writ in the nature of HABEAS CORPUS for issuance of appropriate directions to the respondent Nos. 1 to 4 to immediately find out and release the detinue namely Sharanjit Kaur i.e. minor sister of the petitioner from the illegal detention of respondent No. 5 alongwith his other accomplices and to take strict legal action against the respondent No. 5 alongwith his other accomplices, who have kidnapped the minor sister of the petitioner on 06.03.2025 at about 04:00 P.M. from Village Bathe Bhaini, Tehsil Patti, District Tarn Taran, Punjab and taken her forcefully and deceitfully at some unknown place.

In compliance to last order dated 21.07.2025, the allenged detenue has been produced by ASI Rishi Kumar, L/Ct. Diksha and Naresh Kumar from Aashiana, Sector-15, Chandigarh and the petitioner along with his aunt (Tayi) is also present in Court.

On the asking of the Court, she expressed her dissent to return to her home with her brother and instead preferred to stay at Aashiyana Sector 15 Chandigarh. The court after considering her age since she is a minor aged about 15 years directs her brother and aunt who are present in Court to take away the detenue with them and she be released from Aashiyana, Sector 15 Chandigarh.

The court is of the considered opinion that when a minor expresses reluctance to return home, the court should act as *parens patrie* party and prioritize the welfare and safety of the minor. In the instant case, the girl being minor not capable of foreseeing her future prospects, was counselled by the Court for good 15-20 minutes after which she agreed to live with her brother and other family members.

They have given statement before the Court which is taken on record and is reproduced hereinbelow:-

‘STATEMENT OF MANPREET SINGH ,AGED 20 YEAS S/O SH. BHALDEV SINGH R/O VILLAGE BATHE BHAIM ,TEHSIL PATTI ,DISTRICT TARAN TARAN .PUNJAB-143416

ON S.A.

I herby want to submit that i will take care of my sister and retain her with love and affection .

The afore-said statement of mine is without any fear, coercion or undue influence.

STATEMENT OF SHARANJIT KAUR, AGED 15 YEAS D/O SH. BHALDEV SINGH R/O VILLAGE BATHE BHAIM ,TEHSIL PATTI ,DISTRICT TARAN TARAN PUNJAB-143416

ON S.A.

I herby want to submit that i am ready to go with Brother and Aunt (Tayi).

I am going to my home without any coercion on pressure.

STATEMENT OF RANI KAUR , AGED 40 YEAS W/O SH. BALWINDER SINGH R/O VILLAGE BATHE BHAIM ,TEHSIL PATTI ,DISTRICT TARAN TARAN .PUNJAB-143416

ON S.A.

I herby want to submit that i will take care of my niece and retain her with love and affection .

The afore-said statement of mine is without any fear, coercion or undue influence.’

The court is sanguine of the fact that detention in a protective home is not meant to be indefinite when family custody is viable. This approach balances the minor’s wishes with the guardian’s rights by prioritizing the minor’s best interest.

Keeping in view the paramount welfare of the detenue and in light of the above statements given by the petitioner, alleged detenue and their aunt, the petition stands disposed of and Aashiana, Sector-15, Chandigarh is directed to handover the custody of alleged detenue along with her goods (if any) to the petitioner (brother of alleged detenue).

Petition in the afore-said terms is disposed of.

31.07.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

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