

CRWP-4638-2024 (O&M)

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211 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRWP-4638-2024 (O&M)

Date of Decision: 13.02.2025

PRIYANKA AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab

HARPREET SINGH BRAR J. (Oral)

1. Present criminal writ petition has been filed under Article 226 of the Constitution of India seeking issuance of directions to official respondents No. 2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No. 4 and 5 as enshrined under Article 21 of Constitution of India.

2. Petitioner No. 1 is stated to be a minor. The petitioners are stated to have sent a representation dated 14.05.2024 (Annexure P-3) to the Senior Superintendent of Police, Fazilka-respondent No. 2.

3. Heard. The Co-ordinate Bench of this Court, while examining the issue of protection to the minors in the case of P.... Minor Through Vikram Vs. 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.

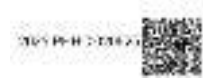
II. The respective Committee shall conduct enquiry contemplated under Section 36 of the Juvenile Justice (Care and Protection of Children) Act 2015 and pass an appropriate order under section 37 of the said Act, by associating all the stakeholder, and to ensure that the objects of the Juvenile Justice (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 approached 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."

5. 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 Senior Superintendent of Police, Fazilka (respondent No.2) is directed to depute a Child Welfare Police Officer to produce petitioner No. 1 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.

13.02.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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