



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

266

CRWP-5822-2025

Date of decision: July 16th, 2025

Yugraj Pal and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akhil Dadwal, Advocate
for the petitioners.

Mr. Sahil Chaudhary, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been preferred with the prayer for protection of life and liberty of the petitioners. As per the averments in the petition, petitioner No.1 claims to be 18 years of age, while petitioner No.2 is admittedly a minor, aged approximately 17 years and 5 months. It has been stated that both the petitioners are in love with each other, which is not being accepted by the family of petitioner No.2, as a result of which they are allegedly facing threats and intimidation.

2. On the previous date of hearing, this Court had exercised its jurisdiction as *parens patriae* to ascertain what would be in the best interest of the minor petitioner No.2. Accordingly, directions were issued to petitioner No.1 to appear before the Commissioner of Police, Gurdaspur, within a period of one week from the receipt of a copy of that order, failing which respondent No.3 was to depute a Child Welfare Police Officer, to produce the minor before the Child Welfare Committee within a period of one week thereafter. Directions were also

issued to send a compliance report to this Court.

3. In compliance with the order dated 29.05.2025, short reply by way of affidavit of Deputy Superintendent of Police, Sub-Divison Kalanaur, District Gurdaspur, has been filed by the State, which is taken on record subject to just exceptions. Copy applied to the counsel opposite.

4. At the very outset, learned State counsel has drawn the attention of this Court to paragraph 8 of the said affidavit, wherein it is categorically stated that the petitioners have failed to comply with the directions of this Court.

5. Petitioner No.1 has not appeared before the Commissioner of Police, Gurdaspur, nor has petitioner No.2 been produced before the Child Welfare Committee. In fact, both petitioners are stated to be untraceable.

6. It has further been pointed out that an FIR No.14 dated 27.03.2025 has already been registered under Sections 137(2) and 87 of the BNS at Police Station Ghuman Kalan at the instance of respondent No.6 (the mother of petitioner No.2). A bare perusal of paragraph 4 of the affidavit reveals that the minority of petitioner No.2 is not disputed. Given the admitted position that petitioner No.2 is a minor and that petitioner No.1 stands named as an accused in an FIR pertaining to her abduction and exploitation, learned State counsel has vehemently opposed the grant of any relief.

7. On being pointedly asked, learned counsel for the petitioners has not disputed that petitioner No.2 is in the custody of petitioner No.1, and that the latter is an accused in a case involving serious and non-compoundable offences under the BNS.

8. In this background, this Court is of the considered opinion, that no protection, in the form as prayed for, can be granted to petitioner No.1, who is not only in defiance of the express directions of this Court but is also an accused in a serious criminal case involving a minor. Entertaining such a prayer for protection would virtually amount to granting anticipatory bail to petitioner No.1 under the guise of safeguarding personal liberty-a course clearly impermissible in law.

9. It is imperative to underline that no person accused of offences of a grave nature-particularly involving a minor-can be allowed to circumvent the established legal procedure by seeking blanket protection under the garb of a writ petition. This Court is duty bound to uphold the mandate of law, especially in cases where the interest and welfare of a minor are involved.

10. In view of the foregoing, the present petition stands dismissed.

11. It is, however, clarified that the State shall proceed against petitioner No.1 strictly in accordance with law and take all such steps as may be warranted in the facts and circumstances of the case, including ensuring the safety, care, and welfare of the minor, petitioner No.2.

July 16th, 2025

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes