

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

2025:PHHC:157039



CRWP-10412-2025 (O&M)
Date of decision: 12.11.2025.

KHUSHBU (MINOR) THROUGH JASWANT SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

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

PRESENT Mr. Karanveer Singh, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. H.N. Sahu, Advocate,
for respondent No.8.

Mr. Abhinav Sood, Advocate, for U.T. Chandigarh and
Mr. Arav Gupta, APP for U.T. Chandigarh.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed for protecting the life and
liberty of the petitioner herein.

When the present case was taken up on 24.09.2025, the

following order was passed: -

“The present petition has been filed for seeking directions to the official respondents to provide protection of life, liberty and dignity of petitioner-Khushbu from the hands of respondents No.4 to 15 with a further prayer for directing the official respondents not to take any further action against the petitioner, aged 17 years, daughter of late Sh. Bijender and also to take a decision on her representation dated 22.09.2025.

Learned counsel appearing on behalf of the petitioner contends that father of the petitioner had expired about one year ago and her mother, being no longer interested in taking care of her, subjected her to neglect, harassment and ill-treatment. On account of being exposed to continuous mental and physical harassment, the petitioner was compelled to seek help of Jaswant Singh (claimed to be next friend) for securing her release. Accordingly, a habeas corpus petition bearing CRWP-9480-2025 was filed before this Court which was disposed of vide order dated 05.09.2025 after going through the report of the Child Welfare Officer, Nuh, wherein it was informed that the District Child Welfare Officer, had rescued the girl and she was in the protective custody of respondent No.4.

Learned counsel appearing on behalf of the petitioner contends that thereafter, respondent No.4 handed over the custody of the girl to her uncle without her consent and thus exposing her to grave danger and higher threat to her life and liberties. He contends that the petitioner is now subjected to greater harassment as a result whereof she again ran away from their house on 22.09.2025. The instant petition has thus been filed today.

Notice of motion.

Dr. (Ms.) Malvika Singh, DAG Haryana, accepts notice

on behalf of the respondent-State and prays for some time to complete her instructions and file response, if so advised.

Undisputedly, the petitioner is a child in need of care of protection. It is the responsibility of the Child Welfare Committees to ensure care, protection, appropriate rehabilitation and restoration of Children need of care & protection. It is extracted under the Juvenile Justice (Care and Protection of Children) Act, 2013 that the Committee carries out regular inspections of the facilities where the children are lodged. However, in the instant case, the custody of the child having been handed over to her relatives, the State abandoned its responsibility to ensure that adequate protection and welfare mechanism is in place to ensure the well-being of the child.

The present case only seems to be one that has come up before this Court and the possibilities of such instances being prevalent in the State cannot be ruled out. It has thus become essential for this Court to also examine as to what procedural mechanism has been put in place by the State of Haryana to ensure the well being of a child despite custody orders having been passed by the appropriate committee/council.

Additionally, as the petitioner is a minor, she is required to be placed in a children home. The petitioner has expressed her unwillingness to be lodged in children homes at Nuh or elsewhere in the State of Haryana for the time being and contends that she would prefer to be lodged in the children home in the U.T. Chandigarh. This Court has thus called upon the Senior Standing Counsel of U.T. Chandigarh to assist this Court. Mr. Abhinav Sood, Addl. Standing Counsel, U.T. Chandigarh appears on behalf of the U.T. Chandigarh and submits that they would have no objection to providing lodging and other facilities to the petitioner herein as per law.

In view of the above, the petitioner is ordered to be kept in Aashiana & Snehalaya for Girls (Children's Home), Sector-15, Chandigarh- 160015 till further orders or till she attains the

age of 18 years as the case may be.

The respondent-State shall, in the meanwhile, file its reply by way of an affidavit of an officer not below the rank of Director, Women & Child Development Department, Haryana giving details with respect to the process adopted by the respondent-State to ensure the well-being of children who have been put in custody of guardians or are put in Children's Home. The affidavit shall also give details of the children who ran away from such Snehalaya/Children Home in the State of Haryana, in the last 05 years.

The custody of the petitioner-Khushbu has been handed over to Ms. Deep Rana, Superintendent, Nari Niketan, Chandigarh who is present in the Court with Mr. Yashpal, Sub-Inspector; Ms. Priyanka, Lady Constable; and Mr. Jaipal, Constable; posted in the Police Station Sector-3 (North), Chandigarh, for taking further appropriate steps in accordance with law.

To come up for further consideration on 12.11.2025."

Considering that the Child Welfare Officer at District Nuh and the Child Welfare Counsellor had passed orders without carrying out proper assessment, thereby exposing the petitioner to potential danger, the necessity of housing the petitioner in Chandigarh arose.

Petitioner has attained the age of 18 years whereupon she has been produced before this Court.

The parents of the petitioner/private respondents are also present.

On a specific query from this Court, the petitioner has expressed that she still intends to reside with Jaswant Singh, aged 23 years (present in Court), with whom she intends to perform marriage. She has

further submitted that she still apprehends a threat to her life at the hands of private respondents still and intends to stay with Jaswant Singh in Chandigarh for some time.

This Court records its strong dissatisfaction of the manner in which the Child Welfare Officers in the State of Haryana have discharged their duties. Their actions reflect a deviation from the objectives of the Juvenile Justice (Care and Protection of Children) Act, 2015 which mandates a sensitive and rationale assessment of child's safety and welfare. Instead of adhering to the spirit and intent of the Act, their good judgment has seemingly been clouded over by lack of rationality and proper application of mind.

Let a copy of this order be sent to the Additional Chief Secretary, Women and Child Welfare Department, Haryana for appropriate action against the concerned officials of the Child Welfare Committee for failing to show the sensitivity required in the present matter and thereby exposing the petitioner to enhanced danger/threat to her life and liberty.

A copy of the order be given dasti under the signatures of the Bench Secretary.

In so far as grievance of the petitioner is concerned, the present petition is disposed of with a direction to the Senior Superintendent of Police, Chandigarh, to issue appropriate directions to the concerned SHO for ensuring the safety and security of the petitioner, in the event of the petitioner residing within the territorial jurisdiction of Union Territory, Chandigarh.

Pending misc. application(s), if any, shall also stand(s) disposed

of accordingly.

It is evident that the report as sought for from the Director, Women and Child Development vide order dated 24.09.2025 has not been filed so far.

State counsel seeks some more time to file the aforesaid report.

No reasons have been set out as to why the needful has not been done by the State of Haryana.

In the interest of justice, list on 12.12.2025 for necessary compliance, subject to deposit of costs of Rs.25,000/- by the office of Director Social Welfare, with DHFWS SKS USERFEES CS OFFICE Panchkula, Account No.50100189689492, IFSC Code HDFC0004832, HDFC Bank, Sector 6, Panchkula. The State would however be at liberty to recover the cost from the erring officials who failed to ensure due compliance of the Court's directions.

November 12, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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