



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

CRWP-11711-2025

Date of decision: 04.11.2025

KASHISH KUMARI AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Amrit Paul Nahar, Advocate for
Mr. G.S. Randhawa, Advocate for the petitioners.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. This petition under Article 226 of the Constitution of India has been filed for seeking a direction to respondents No.2 to 4 to protect the life and liberty of the petitioners (petitioner No.1 through her next friend petitioner No.2, being minor) from the hands of private respondents (arrayed in the petition).

2. Learned counsel for the petitioners submit that the petitioner No.1 is less than 18 years old. The date of birth of the petitioner No.1 is 06.03.2008 and that of petitioner No.2 is 16.08.2003. It is further submitted that the parents of petitioner No.1 have opposed the relationship of the petitioners and started issuing constant threats and out of fear the petitioners ran away from their parental homes. The petitioners have also



placed on record a representation dated 28.10.2025 (Annexure P-3) to respondent No.3-The Senior Superintendent of Police, Gurdaspur but till date no action thereon has been taken. It is further submitted that the petitioners would be satisfied if appropriate direction is given to respondent No.3 to consider and dispose of the aforesaid representation dated 28.10.2025 (Annexure P-3) in accordance with law in an expeditious manner.

3. Notice of motion to respondents No.1 to 4 only at this stage.

4. At the asking of the Court Mr. Ravinder Singh, DAG Punjab, accepts notice on behalf of respondents No.1 to 4. The learned counsel for the petitioners is directed to furnish a copy of complete paper book to the learned State counsel 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 approved 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."

117

CRWP-11711-2025

-4-



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 petitioners are directed to appear before respondent No.3-Senior Superintendent of Police, Gurdaspur within 10 days. Upon their appearance, respondent No.3-Senior Superintendent of Police, Gurdaspur is directed to depute a Child Welfare Officer to produce the petitioner No.1 (minor) 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, Gurdaspur is further directed to consider the representation qua the petitioners and will grant them necessary protection, if there is any threat to their 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.

04.11.2025

Mohit Bishnoi

- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No