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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1802/2021

BHARTI ..... Petitioner

Through: Ms. Inderjeet Sidhu, Advocate

versus

STATE (NCT OF DELHI) ..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel (Criminal) with Mr. Karan Jeet Rai Sharma, Advocate along with S.I. Babu Lal, P.S.: Palam Village along with child victim Ms. 'R'.

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% 14.12.2021

The present *habeas corpus* petitioner has been instituted by Smt. Bharti, seeking a direction in the nature of *habeas corpus*, commanding the official respondent to produce her minor daughter Ms. 'R' before this court.

The Delhi Police have handed-up in court a status report dated 25.11.2021 signed by Mr. Paras Nath Verma, SHO, P.S.: Palam Village, New Delhi. The same is taken on record.

Upon a perusal of the said status report, it is reflected that Ms. 'R' has been recovered by the Delhi Police from Nagpur, Maharashtra on 24.11.2021. The status report further records that Ms. 'R's medical examination was conducted at the DDU Hospital *vide* MLC No.

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382/2021 dated 25.11.2021 and she was produced before the concerned Metropolitan Magistrate, Dwarka, New Delhi immediately thereafter for the recording of her statement under section 164 Cr.PC.

Thereafter, she was produced before CWC-VII, Tihar Jail Complex, New Delhi, which directed that she be housed at the Child Welfare Home-I, Tihar Jail Complex.

Ms. 'R' as also her mother are present before this court today and we have interacted with them in-chambers, both individually and collectively. The petitioner has stated that she would like to take Ms. 'R' home, provided her safety and security is ensured. Ms. 'R' herself has expressed willingness to return to her maternal home, although she is also apprehensive about her safety, in light of the records of the case.

Having interacted with the parties and counsel appearing on their behalf; and in view of the material on record, the only course that commends itself to us is to release Ms. 'R' into the care and custody of the petitioner i.e. Ms. Bharti, *forthwith*.

The Delhi Police need not produce Ms. 'R' before the CWC-VII, Tihar Jail Complex, New Delhi, any further.

However, in view of the facts and circumstances antecedent and attendant, we direct the SHO, P.S.: Palam Village to provide the petitioner as well as Ms. 'R' with his telephone number as also that of a lady beat constable, who they may call in the event of any threat or apprehension.

The SHO concerned shall also sensitise and instruct the concerned lady beat constable to periodically visit the residence of the petitioner to check-upon their safety and security.

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No further directions are called for.

With the above directions, the *habeas corpus* petition is allowed and disposed of.

SIDDHARTH MRIDUL, J.

ANUP JAIRAM BHAMBHANI, J.

DECEMBER 14, 2021/*N/at*

Click here to check corrigendum, if any

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