

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

Crl. Misc. No. M-18359 of 2015

Date of decision: 08.06.2015

Baljinder Singh and another

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

AND

Crl. Writ Petition No. 851 of 2015

Major Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. N.S. Mehrook, Advocate,
for the petitioners.

Ms. Monica Chibbar Sharma, DAG, Punjab.

Mr. J.S. Toor, Advocate,
for U.T., Chandigarh.

Mr. Jetinder Pal Singh, Advocate,
for respondent no. 4.

G.S.SANDHAWALIA, J. (Oral)

The present judgment shall dispose of two petitions i.e. Crl. Misc. No. M-18359 of 2015 filed by Baljinder Singh and Shubhdeep Kaur wherein, they are seeking protection to their life and liberty at the hands of respondents no. 4 to 7. Respondent no. 4 is Major Singh, father of petitioner no. 2-Shubhdeep Kaur, who is also present in Court today. The

other petition i.e. Crl. Writ Petition No. 851 of 2015 has been filed by Major Singh, father of Shubhdeep Kaur for issuance of a writ in the nature of habeas corpus for releasing Shubhdeep Kaur from the illegal custody of Baljinder Singh etc.

In support of the petition for protection, an affidavit was given by Shubhdeep Kaur that she is born on 05.03.1996 and in view of the lack of documentary proof, this Court had sent her to the protection home at Chandigarh vide order dated 28.05.2015.

In the connected case, Major Singh has averred that she is born on 05.03.1998 and has appended the matriculation certificate (Annexure P-1) in support of her date of birth.

Thus, it is apparent that a wrong affidavit has been filed by petitioner no. 2 in Crl. Misc. No. M-18359 of 2015. It is, however, agreed that the parties have settled the dispute inter se amongst themselves and Major Singh, who is father of Shubhdeep Kaur and is present in Court has accordingly submitted that they have accepted the relationship as such and the girl would accompany with the parents. However, on attaining the age of 18 years, they would accept the marriage which has taken place between Baljinder Singh and Shubhdeep Kaur and she would be sent to the house of Baljinder Singh. His statement to this effect has been recorded separately. It is further submitted that there is also a settlement that some land will be transferred in the name of Shubhdeep Kaur in order to ensure that she is not exploited on account of her minority and to ensure that the legal effect is given to the marriage which has now taken place.

Accordingly, keeping in view the above settlement, Kulwinder Kaur, ASI, Chandigarh Police shall ensure that the custody of the minor is handed over to the father outside the Court.

Accordingly, keeping in view the above facts, both the petitions are disposed of as having been rendered infructuous.

Copy of the order be given under signatures of Special Secretary of the Court.

08.06.2015
shivani

(G.S. SANDHAWALIA)
JUDGE