

**In the High Court of Punjab and Haryana at
Chandigarh**

**Crl. Misc.-M-23707 of 2015
Date of Decision: 17.8.2015**

Davinder SinghPetitioner

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Petitioner in person with
Mr. Rahul Bhargava, Advocate.

Mr. J.S.Sekhon, AAG, Punjab.

SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of the Criminal Procedure, 1973 challenging the order dated 10.7.2015 (Anneuxre P-5).

Learned counsel for the petitioner has submitted that petitioner and Komalpreet Kaur had performed marriage on 5.7.2015. Date of birth of Komalpreet Kaur is 4.7.1997. Thus, the wife of the petitioner was a major on the date she had performed marriage with him. Vide the impugned order, Komalpreet Kaur had been sent to Nari Niketan against her wishes.

Komalpreet Kaur has been produced by respondent No. 2. Komalpreet Kaur has admitted the factum of her marriage with the petitioner and has stated that she wants to live in her matrimonial home with her husband. Annexure P-2 is the birth certificate of Komalpreet Kaur and as per the same, the date of birth of Komalpreet Kaur is 4.7.1997. At this stage, there is

nothing on record to suggest that the said certificate is not genuine.

Since *prima facie* Komalpreet Kaur has attained the age of majority and has shown her willingness to accompany her husband-petitioner, this petition is allowed. Order dated 10.7.2015 (Annexure P-5) is set aside. Petitioner is present in person. Accordingly, Komalpreet Kaur is permitted to accompany the petitioner from the Court premises itself.

Copy of this order be given to the learned State counsel under the signatures of Bench Secretary of this Court.

**(SABINA)
JUDGE**

August 17, 2015
gurpreet