

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

CRM-M-26556-2015 (O&M)

Date of decision : 02.11.2015

Mohammad Arshad and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. HS Rakhra, Advocate for the petitioners.

Ms. Neelam Kashyap, DAG, Haryana,
assisted by ASI Sompal.

Mr. Anil Kumar Rana, Advocate,
for respondent Nos.6 to 8.

Ms. Ashima Mor, APP, U.T. Chandigarh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner No.2 was sent to Nari Niketan vide order dated 10.09.2015. The learned counsel cites 'Mulla on Mohammendan Law, 2nd Edition, Chapter No.11' and states that no witness or Qazi is required to sanctify the marriage, that being in the nature of contract.

The petitioner No.2, who is present in person, states that in case, she joins the company of her parents, there is a threat to her life and liberty. Therefore, she states that she be allowed to reside at her matrimonial home.

As per the record, the petitioner No.2 is 17 years and 08 months old. The petitioners resided together as husband and wife after solemnizing Nikah on 06.08.2015 till she was sent to Nari Niketan on 10.09.2015. The parents of petitioner No.1 are present in the Court and state that they are ready and willing to take their daughter-in-law/petitioner No.2, along with them.

Considering the age of petitioner No.2, the apprehension expressed by her with regard to her life and liberty, in case, the custody is given to her parents and the fact that she is lodged in the Nari Niketan since 10.09.2015, she deserves to be set at liberty.

However, keeping in view the safety and security of petitioner No.2, she will be presently lodged in the Nari Niketan and on an application moved by the parents-in-law, in this respect, before the competent authority at Nari Niketan, Chandigarh, she be released therefrom and her custody be handed over to the parents-in-law.

Disposed of.

02.11.2015
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(JITENDRA CHAUHAN)
JUDGE