

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

CRWP No. 1417 of 2015

Date of Decision:- 16.10.2015

Kamal

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Mr. Kamal Singh, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana,
for the respondents.

Mr. Sarvesh Kumar Gupta, Advocate,
and Mr. Rajesh Lamba, Advocate,
for the detenue – Soniya.

Ms. Madhu, Assistant,
for respondent no.2.

SHEKHER DHAWAN, J.

Present writ petition under Article 226 of the Constitution of India seeking directions to respondents No.1 and 2 to release the detnue – Soniya wife of Kuldeep, presently confined in Nari Niketan, Karnal.

Pursuant to orders dated 13.10.2015 passed by this Court, detenue Soniya is present in the Court today and her statement has been recorded, which reads as under :-

“ I am major and my age is more than 18 years. I am staying in Nari Niketan, Karnal since 22.09.2015. Now, I do not want to stay in Nari Niketan, Karnal and I want to go with my father-in-law [Ram Kumar], who is present in Court today.”

As per the statement of detinue – Soniya, she does not want to stay in Nari Niketan, Karnal rather, she wants to go back to her in-laws family and she has expressed her intention to go alongwith her father-in-law, Ram Kumar, who is present in the Court.

An identical matter was before the Co-ordinate Bench of this Court in **Court on its motion Vs. State of Punjab, 2015 [2] R.C.R. [Criminal] 792,** and it was observed therein by this Court that the girl who married against the wishes of her parents cannot be confined to protection homes as the same is violation of her fundamental rights and passed the order that the girl, whether major or minor, be set-free.

In view of the above and keeping in view the willingness of the detinue – Soniya, this writ petition is disposed of with a direction to Superintendent, Nari Niketan, Karnal [respondent No.2] to release her forthwith and allow her to go with her father-in-law, as per her statement, extracted above.

A copy of this order be given to the parties under the signatures of Reader of this Court.

October 16th, 2015

**(SHEKHER DHAWAN)
JUDGE**