

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CRWP No. 594 of 2014

Date of Decision: 09.01.2015

Ravi Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Ram Bilas Gupta, Advocate,
for the petitioner.

Mr. Raj Kumar Yadav, D.A.G., Haryana,
for the respondents.

MEHINDER SINGH SULLAR, J. (ORAL)

Petitioner Ravi Kumar son of Beer Pal, has preferred the instant petition for Habeas Corpus, to release of detenue Rekha daughter of Tara Chand, *inter alia*, pleading that she (detenue) was major and voluntarily performed the love marriage on 01.07.2013 with him against the wishes of her parents, according to Hindu rites and ceremonies. She was stated to be now illegally detained by Superintendent, Nari Niketan Karnal, District Karnal (respondent No. 3). On the basis of aforesaid grounds, the petitioner has sought the release of the detenue from Nari Niketan Karnal, District Karnal, in the manner depicted hereinabove.

2. Notice of the petition was issued to the respondents.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and without commenting/expressing any

opinion on the validity and genuineness of their marriage or otherwise, the instant petition deserves to be accepted, for the reasons mentioned hereinbelow.

4. What cannot possibly be disputed here is that detenue Rekha is major girl and she was stated to have performed her marriage with the petitioner. Learned counsel for the parties are *ad idem* that even she has made the statement on 28.06.2013 in a criminal case registered against the petitioner in the trial Court that she herself has abandoned her parents' house without any kind of inducement. She voluntarily performed the marriage with the petitioner without any pressure or coercion and she intends to go with the petitioner.

5. Meaning thereby, the detenue is major girl and she can live in the society in the manner she like. Be that as it may, in any case she cannot possibly be illegally detained in Nari Niketan Karnal, District Karnal (respondent No. 3) without any rhyme and reason against her free will as per her fundamental rights granted by the Constitution of India.

6. In the light of aforesaid reasons, the instant petition is accepted. Superintendent, Nari Niketan Karnal, District Karnal (respondent No. 3) is directed to release the detenue Rekha from her custody forthwith to enable her to live in the manner she like in the society.

(MEHINDER SINGH SULLAR)
JUDGE

January 09, 2015
nitin/naresh.k