

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 906 of 2002 (O&M)

Date of decision: 17.06.2015

Jaswinder Singh

... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.S.Bains, Advocate for the petitioner.

Mr. R.S. Pathania, Deputy Advocate General, Punjab.

Mr. Rajeev Godara, Advocate for respondent Nos. 4 and 5.

K.Kannan, J.

The criminal writ petition is for issue of the writ of habeas corpus for the release of the detenue Sukhdeep Kaur aged 18 years. The petitioner would contend that he is a permanent resident of Canada and his daughter suddenly got missing and on learning that she was being kept in illegal custody of respondent Nos. 4 and 5, wanted her to be released from such illegal custody. The petitioner's contention is that the respondents were trying to make out a justification for retention by contending that the 4th respondent had actually married the petitioner's daughter on 17.05.2015 immediately on arriving from Canada on 15.05.2015. The petitioner's contention would further reveal that his daughter was born and brought up in Canada and she could not have married the 4th respondent without any form of acquaintanceship.

4th and 5th respondents are represented through a counsel and they are present in Court. The petitioner's daughter Sukhdeep Kaur is also present. I asked the girl Sukhdeep Kaur regarding her own status and she states that she knew 4th respondent from the last four years by establishing conduct through Facebook and she had taken the decision to marry him. She says that she understands that she has taken a very

major decision to marry and that she herself is responsible for what decision she has taken. From the little conversation that I had, I gather that her own upbringing has given a fair amount of understanding of life and she is prepared to take responsibility for the decision. I sounded to her if her decision was not cinematic and cut off from reality. She shrugs off the suggestion and says that she has gone through a marriage at Gurudwara. She also says that she wants to remain with her husband-4th respondent. She affirms that she is voluntarily residing with him without any compulsion or force. She would also stated that she has friends who can help organize their lives and she would not like to go with her parents.

I am convinced that she is not in any forcible custody. Being major of 18 years of age she has opted for a marriage which she is competent to enter into. I would find no occasion, therefore, for any judicial intervention. I am convinced that she is not being detained against her will and she is in company of 4th respondent out of her volition. Life is not always predictable and I only hope and wish that her decisions brings her lots of cheer, an eternal pursuit for every being.

The petition is disposed of recording all the above facts as requiring no further orders from Court.

17.06.2015
kv

(K.KANNAN)
JUDGE