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

232

Criminal Misc. No.M-37861 of 2015

Date of decision: 27th April, 2016

Amit Kumar

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Vinod Bhardwaj, Advocate for
Mr. Avinash Mandla, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for issuance of direction to respondents No.2 and 3 to release the girl, namely, Amandeep d/o Som Raj caste Ghumiar, resident of Village Baghar, District Pathankot from the custody of respondent No.4 i.e. Superintendent, Nari Niketan, Jalandhar sent vide order dated

22.06.2015 passed by learned Judicial Magistrate Ist Class, Pathankot (Annexure P-1) without her consent as she did not want to go with her parents and wanted to live with the petitioner as his wife.

Learned counsel for the petitioner submits that the petitioner was involved in case FIR No.54 dated 19.06.2015 registered under Sections 363, 366 of the Indian Penal Code (Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act were added later on) at Police Station Shahpur Kandi and now, he has been acquitted of the charge by the trial Court vide judgment dated 18.04.2016.

Learned State counsel, on instructions from Head Constable Ramesh Kumar, has affirmed the factum of acquittal of the petitioner.

Admittedly, the petitioner has solemnized marriage with Amandeep on 19.06.2015 and the aforesaid FIR was got registered by the brother of the girl. The girl (Amandeep) was not ready to accompany her parents, therefore, she was sent to Nari Niketan, Jalandhar being minor as per order dated 22.06.2015 passed by learned Judicial Magistrate Ist Class, Pathankot (Annexure P-1). Now the petitioner has been acquitted of the charge by the trial Court and the girl has become major.

Accordingly, the present petition is allowed and respondent No.4-Superintendent, Nari Niketan, Jalandhar is directed to release Amandeep d/o Som Raj caste Ghumiar, resident of Village Baghar, District Pathankot forthwith and accompany the petitioner.

April 27, 2016

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**(DAYA CHAUDHARY)
JUDGE**