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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 1149 of 2017 (O/M)

Date of decision : 31.10.2017

Harjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Avinash Mandla, Advocate, for the petitioner.
Ms. Monika Jalota, DAG Punjab.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

Reply by way of affidavit of Manjeet Singh, PPS, Deputy Superintendent of Police, Rural-1, Gurdaspur, on behalf of respondents No. 1 to 3, filed in Court today and same is taken on record.

Present habeas corpus petition has been filed by petitioner for issuing directions to officials respondents to produce her detainee daughter Ravinder Kaur from the custody of respondent No. 4, namely, Sikherdeep Singh.

Reply of the State shows that alleged detainee Ravinder Kaur and Sikherdeep Singh had married against the wishes of their parents. They had also filed protection petition (CRM-M-21709-2017) before this Court, which was disposed of on 13.6.2017 with certain directions. The petitioner has also lodged FIR No. 40, dated 5.6.2017, under Sections 363, 366-A, 120-B IPC at Police Station Kahnuwan, District Gurdaspur. The police during the investigation produced detainee Ravinder Kaur before the learned Magistrate, where her statement under Section 164 Cr.P.C. has been recorded., in which she has made a statement in favour of her husband Sikherdeep Singh. It is coming out from the order dated 13.6.2017, passed

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by this Court in CRM-M-21709-2017 that one of the petitioners at the time of marriage was minor. Even if one of the parties to the marriage is minor, the marriage is not illegal. It is merely voidable at the option of minor. In the aforesaid FIR lodged by the petitioner, the police is already investigating the matter. Therefore, it is not a case of illegal detention. Alleged detinue Ravinder Kaur is residing with her husband. As such, present habeas corpus petition stands dismissed.

(KULDIP SINGH)
JUDGE

31.10.2017
sjks

Whether speaking / reasoned : Yes / No

Whether Reportable : Yes / No