

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

**CRWP-357-2017 (O&M)
Date of Decision: May 1, 2017**

Sukhwinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr.Karanjit Singh, Advocate
for the petitioner (s).

Mr.Jashanpreet Singh, Asstt.A.G., Punjab.

Mr.Rahul Bhargava, Advocate
for respondent No.4.

SURINDER GUPTA, J.(Oral)

Harpreet Kaur has been produced in Court. Reply filed in Court by the State counsel is taken on record.

On inquiry, Harpreet Kaur submits that she was living with her husband Nachattar Singh at Mallanwala and is not willing to go with her father, i.e., petitioner-Sukhwinder Singh. She wants to go with her husband and live with him at his house at Mallanwala.

Learned counsel for the petitioner submits that Harpreet Kaur is minor and her age is about 15 years and as such, she may be sent to Nari Niketan.

Learned counsel appearing for respondent No.4 has opposed the submission made by the counsel for the petitioner and relied upon the observations of Himachal Pradesh High Court in the case of **Seema Devi alias Simaran Kaur v. State of H.P. and another**; 1998 (1) RCR (Criminal) 697 wherein the custody of the minor girl was given to the husband and father was given liberty to avail his remedy before the Guardian Judge.

Though the petitioner is minor, still she cannot be sent with her father or to the Nari Niketan against her wishes.

After marriage, the husband is also one of the Guardians of a minor and as such, this petition is disposed of with a direction to the police of Sri Muktsar Sahib to handover the custody of the girl to Nachattar Singh at his village Mallanwala, Tehsil Zira, District Ferozepur.

(SURINDER GUPTA)
JUDGE

May 1, 2017
Paritosh Kumar

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>