

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

CRWP No.500 of 2017

Date of Decision : 22.05.2017

MANPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Rajesh Mehta, Addl. A.G., Punjab
for respondent Nos.1 to 4/State.

Mr. Sarvesh Kumar Gupta, Advocate
for respondent No. 5-Vishal Kumar.

AMOL RATTAN SINGH, JUDGE (ORAL)

Pursuant to the order dated 11.05.2017, the DCP (Investigation), Amritsar, is stated to be present in Court instead of the SSP (Rural), Amritsar, because, as contended by learned State Counsel, the Commissioner of Police, Amritsar, is impleaded as respondent No. 2.

On query, learned State Counsel, however, admits that the police station concerned falls within the jurisdiction of the SSP (Rural), Amritsar, who had actually been directed to be present in Court.

However, the DSP (Investigation), Amritsar (Rural), is also present in Court as stated by learned State Counsel.

Learned State Counsel, on instructions from the police officers present, submits that the order of this Court dated 08.05.2017, to the effect

that the alleged detinue, Labhpreet Kaur, be produced in Court on 11.05.2017, could not be complied with, as the said Labhpreet Kaur told the police officials, who had gone to get her, that her husband being unwell on that date, she could not come. Whereas the story is slightly difficult to believe, however, keeping in view the fact that the said girl, i.e. Labhpreet Kaur, sister of the petitioner, is present in Court today, her non-production on the last date is left at that.

She has been specifically asked by this Court as to whether she wishes to go with the petitioner, i.e. her brother, or not, to which she has replied that she would like to go back to her husband.

Learned counsel for the petitioner, however, submits that Labhpreet Kaur is a minor, with her date of birth actually being 15.09.1999 and therefore, her natural custody would be with her parents.

Factually, though even as per the Guardians and Wards Act, 1890, that would be true, however, the petitioner not being the father of Labhpreet Kaur, obviously, she cannot be forced to go back with the petitioner against her wishes.

As regards the allegations that Labhpreet Kaur and her husband Vishal Kumar, i.e. respondent No.5 herein, allegedly forged the date of birth of Labhpreet Kaur when they filed CRM-M No.14777 of 2017, as has been contended by learned counsel for the petitioner, that matter is left open to be gone into in appropriate proceedings, as also the issue of initiation of action against Labhpreet Kaur and respondent No.5, if they are found liable for prosecution under the provisions of the Prohibition of Child Marriage Act,

2006, i.e. if she is indeed found to be of less than marriageable age.

This petition being one seeking a writ in the nature of habeas corpus, with the petitioner not being the natural guardian of Labhpreet Kaur, and even though she is allegedly under the age of 18 years, having married respondent No.5, it is not considered appropriate to direct her to go with her brother rather than back to her husband.

This petition is, therefore, disposed of with the aforesaid observations.

(AMOL RATTAN SINGH)
JUDGE

May 22, 2017

dk kamra/rajneesh

Whether speaking/reasoned:	Yes
Whether reportable:	Yes