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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 582 of 2017 (O/M)
Date of decision : 20.7.2017

Fauji

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Petitioner in person with Mr. Sandeep Kumar, Advocate.

Mr. Davinder Bir Singh, Deputy Advocate General, Punjab.

Ms. Ashima Mor, APP for U.T. Chandigarh.

Detenue Anjali in person with Lady Constable Sunita Rani,
Police Station Sector-3, Chandigarh.

Mr. Deepak Bhardwaj, Advocate, for respondent No. 4.

None for respondent No. 5.

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 ?
- . - .-

KULDIP SINGH J. (ORAL)

Heard.

Respondent No. 4 has placed on file copy of the protection petition dated 11.5.2017 (CRM-M-16979-2017). The State has also placed on file the statement made by detenue Anjali on 8.6.2017 before the learned Additional Chief Judicial Magistrate, Ropar.

Present habeas petition was filed by the father of detenue Anjali, stating that she has been illegally detained by respondent No. 4 and should be recovered. Accordingly, she was recovered from the custody of

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No. respondent 4. From the perusal of the protection petition (CRM-M-16979-2017), it comes out that detenue Anjli had married with respondent No. 4 Gurjinder Singh on 10.5.2017. Thereafter, they filed protection petition (CRM-M-16979-2017) before this Court and this Court disposed of the same, vide order dated 12.5.2017, directing the Senior Superintendent of Police, Patiala, to look into the representation, moved by the petitioners, seeking protection of their life and liberty. It also comes out that on 11.5.2017, FIR No. 68 was registered under Sections 363, 366 IPC at Police Station Morinda, District Ropar, against Gurjinder Singh (respondent No. 4 herein), on the basis of which he has been arrested and he is now confined in jail. This Court, vide earlier order dated 1.6.2017, passed in CRWP-582-2017, while noticing that the age of the detenue Anjli was 15 years on the date of marriage, had ordered that she was to be kept in the protection home. Under Section 6 of the Guardian and Wards Act, 1890, in case of minor girl, before the marriage, the parents are the natural guardian and after the marriage, the husband is the natural guardian. It being so, the custody of minor girl will go to the husband in terms of Section 6 of the Guardian and Wards Act, 1890.

This is habeas petition filed by father of the detenue Anjli, stating that she was illegally detained. However, it comes out that she had married of her own free will with Gurjinder Singh (respondent No. 4 herein) and she was living with him. Therefore, it is not a case of illegal detention. It being so, present petition fails and is dismissed. Detenue Anjli is set at liberty to accompany the parents of Gurjinder Singh (respondent No. 4 herein). The police of Police Station Sector-3, Chandigarh, is directed to send her back to the house of Gurjinder Singh, where she was living earlier.

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Copy of this order be given to the learned Standing Counsel for
UT Chandigarh, for compliance, under the signatures of Bench Secretary.

(KULDIP SINGH)
JUDGE

20.7.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No