

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

CRWP No.662 of 2017 (O&M)

Date of decision : July 12, 2017

Naheam

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. R.K. Makkad, DAG, Haryana.

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)

The present petition under the habeas corpus was filed for the release of detainee Gulista @ Aanchal. Petitioner claims that he had married the detainee on 19.05.2017. It is stated that the date of birth of Gulista is 12.04.1997 and the date of birth of the present petitioner is 21.06.1995. Both of them were major at the time of their marriage. It is further stated that they were apprehended by the Uttar Pradesh police at the Railway Station and handed over to the Panchkula Police, which further handed over the detainee to respondent Nos.4 to 6, who are parents of the detainee. It is also stated that the petitioner and the detainee had approached this Court for grant of protection vide CRM-M No.19824 of 2017, which was listed for 30.05.2017 but before then they were apprehended by the police.

Vide order dated 01.06.2017 passed by this Court, respondent Nos.4 to 6 were directed to produce the detainee before this Court and the S.H.O., Panchkula, Haryana was also directed to ensure the compliance of

that order. Accordingly, respondent Nos.4 to 6 produced the detenue before this Court on 05.06.2017 when this Court entertained doubt about the age of the detenue and therefore, she was sent to the Protection Home, Sector 19, Chandigarh till today. In the meanwhile, the State was directed to bring the proof of the age of the detenue as well as of her parents.

ASI Des Raj, Sector 5, Panchkula, who is present in the Court today, states that there was not proof of the date of birth of the detenue with her parents. However, ossification test was got conducted by the Board of Directors, Government Multi-Speciality Hospital, Sector 16, Chandigarh. As per the report submitted by them, the bone age of the detenue is 16½ to 17 years with error margin of two years, which goes to show that it cannot be said that the detenue is a minor. Therefore, the averments of the detenue is to be accepted that she is major. The petitioner has also produced the marriage certificate as Annexure P-1 and the photographs of the marriage.

This court has questioned the detenue as to whether, she wants to go with her parents or the petitioner. She has stated before this Court that she wants to go with the petitioner. Accordingly, the detenue is set at liberty and, if she so desires, she can accompany the petitioner.

As such, the present petition is disposed of.

(KULDIP SINGH)
JUDGE

July 12, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No