

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

CRWP No. 8 of 2017 (O&M)

Date of Decision:18.12.2017

Dheera and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rishu Mahajan Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. R.K.Thind, Advocate
for the complainant.

LISA GILL, J(Oral).

Prayer in this petition is for direction to respondent no.3 i.e. Superintendent of Children Home, Gandhi Vaneeta Ashram, Jalandhar to release the detenue-Anjali Sharma.

Brief facts of the case are that father of the detenue had lodged FIR No. 73 dated 23.06.2016, under Sections 363, 366-A, 120-B, 148, 149 IPC (Section 376 IPC added later on) against the present petitioners. However, the alleged victim in her statement before the Judicial Magistrate Ist Class, Amritsar, recorded on 30.06.2016 (Annexure P-2) stated that she was not forcibly taken away by accused-Ajay Pal Singh. She had gone to the house of her friend Ritika at Jalandhar. The victim stated that she had run away from her parental home as her father against her wishes fixed a match for her though she is a minor. She specifically stated that the accused had not

committed any wrong and he is innocent. The alleged victim was ordered to be lodged at Gandhi Vaneeta Ashram, Jalandhar, as she expressed her unwillingness to accompany her parents. The victim raised an apprehension to her life at the hands of her parents and stated that she wished to live with petitioner no.2 and his family. The victim allegedly wrote to the petitioners that she should be released from the Gandhi Vaneeta Ashram, Jalandhar. The present petition was thus filed for release of the alleged victim.

The detainee, thereafter, was produced before this Court on 23.07.2017 and it was noted that the alleged detainee/ victim stated that she wished to get married with petitioner no.2-Ajay Pal Singh. She stated her date of birth to be 11.11.1999. She expressed her unwillingness to go back to her parental home and sought permission to live with the family of the petitioners or in the alternate be lodged at Gandhi Vaneeta Ashram, Jalandhar, till she is able to marry petitioner no.2. Interaction between the alleged detainee and her parental family was encouraged but the detainee refused to interact with her father. It was noted by this Court on 04.07.2017 that the detainee expressed her unwillingness to accompany her paternal aunt (Bua) as well, who had also come present before the Court.

Admittedly, the detainee attained majority on 11.11.2017. Marriage has been solemnized between petitioner no.2 and the alleged detainee on 16.11.2017. Due permission was afforded by this Court on 13.11.2017 to allow the said detainee to leave the premises of the Gandhi Vaneeta Ashram, Jalandhar for the purpose of performing marriage ceremonies. It was submitted by the petitioners that to show their *bona fides* some property shall be transferred in her favour. Learned counsel for the petitioners submits that as per sale deed dated 01.12.2017 (Annexure P-4), 10 Marlas of land has been transferred in favour of the detainee by Surjan

Singh, who is the real brother of petitioner no.1 and paternal uncle (Taya) of petitioner no.2. In this view of the matter, it is submitted that the alleged detainee, who has now attained majority cannot be compelled to continue living at Gandhi Vaneeta Ashram, Jalandhar.

Learned counsel for the complainant is unable to deny that the detainee has attained majority on 11.11.2017. It is however submitted that transfer of the land stated to be reflected in her favour is fraudulent as the vendor himself does not have any title to the land in question.

The detainee is present in Court. She again reiterates her desire to accompany petitioner no.2 with whom she has solemnized marriage on 16.11.2017. She has again refused to interact with her father. She submits that she does not wish to return to Gandhi Vaneeta Ashram, Jalandhar.

It is not in dispute that the alleged victim has attained majority. Marriage has been solemnized by her with petitioner no.2. She cannot be compelled to be lodged at the Gandhi Vaneeta Ashram, Jalandhar, against her wishes.

Accordingly, the detainee-Anjali Sharma is free to accompany petitioner no.2 as per her wishes. In respect to the averment regarding the fraudulent transfer of land, needless to say the complainant is at liberty to avail the remedy/ remedies as may be available to him.

Petition is accordingly disposed of.

18.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.