

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-6924 of 2018 (O&M)
Date of Decision: 08.03.2018

Tejinder Kaur and another		...Petitioners
	Versus	
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Kuljinder Kaur, Advocate, for the petitioners.
Mr. Ravi Partap, AAG, Haryana.
Mr. G. S. Sandhu, Advocate, for respondents no.4 to 6.

Amol Rattan Singh, J. (Oral)

Pursuant to the order of this Court dated 06.03.2018, an affidavit of Sh. Dalbir Singh, HPS, Deputy Superintendent of Police, Assandh, has been filed in Court today by the learned State counsel, stating therein that Jagjit Singh son of Sohan Singh (respondent no.4 in the petition), had moved an application to the effect that his daughter Tejinder Kaur (petitioner no.1 herein), aged 19 years, was missing from home since 10.02.2018 at about 5.30 p.m and that he suspected that she had been enticed away by Ravi son of Satpal, resident of Assandh, with an intention to marry her. On the basis of the aforesaid complaint, FIR no.119, dated 11.02.2008, was registered making out offences punishable under Sections 363/366 IPC against the aforesaid Ravi (who is stated to be petitioner no.2, Ravinder Singh).

Investigation had therefore been conducted by the investigating officer, who apprehended the petitioners at the bus-stand at

Assandh, but upon the petitioners producing the order of this Court, petitioner no.1 was produced before the Court of the learned Judicial Magistrate, Ist Class, Assandh, where her statement under Section 164 Cr.P.C. was got recorded, importantly to the effect that she has married petitioner no.2 of her own free will without any pressure upon her, and that she solemnized the marriage after running away from her home because she was scared that her parents would eliminate her.

The affidavit further states that subsequently an offence punishable under Section 11 of the Prohibition of Child Marriage Act, 2006, was also added in the FIR in compliance of the order of this Court dated 17.02.2018, with the petitioners both sent to the 'safe house' in Karnal on 18.02.2018.

The affidavit goes on to state that during the course of investigation on 22.02.2018, the complainant in the FIR, Jagjit Singh (respondent no.4), and his wife Manjit Kaur, as also Sartaj Singh (respondents no.5 and 6 in the petition), came to the police station and submitted their affidavits, sworn before the Notary Public, Karnal, to the effect that petitioner no.1 had performed the marriage with petitioner no.2 with her own free will at a Gurudwara at Panipat and that they have no objection to the marriage of the petitioners with each other.

The petitioners are stated to have suffered a statement on 27.02.2018, to the effect that they have now no apprehension of danger to their lives and liberty.

Though in the affidavit of the DSP, it has been stated that respondents no.4, 5 and 6 had stated that they have no objection to the marriage of the petitioners with each other, learned counsel appearing for the said respondents, submits that subsequently the respondents had discovered that the petitioners had produced two other persons impersonating respondents no.4 and 5, i.e. Jagjit Singh and Manjit Kaur, parents of petitioner no.1, in the Gurudwara, in support of which he has produced in Court today a photocopy of a 'certificate' issued by the Gurudwara Shri Guru Amardass Ji, Singh Sabha, Sector-13-17, HUDA, Panipat, dated 12.02.2018, showing therein the particulars of the two petitioners, including names of their parents. A signature, in Punjabi, of Jagjit Singh, and a thumb impression shown to be of Manjit Kaur, are also visible on the said 'certificate'.

That being so, respondents no.4 to 6 are at liberty to initiate whatever action they wish to, as regards the alleged impersonation in the Gurudwara and investigation would go on as per law in case such a complaint is made, with no comment made with regard thereto by this Court.

However, as regards the offence punishable under the provisions of the Prohibition of Child Marriage Act, 2006, any such offence being a cognizable offence in terms of Section 15 of that Act, and petitioner no.2 admittedly, even as per the petition itself, being below the legally marriageable age for males, i.e. he being 19½ years, with the legally

marriageable age being 21 years, proceedings would continue as per law as regards the aforesaid provisions.

This petition is therefore disposed of with the aforesaid observations and directions, with a further direction to respondents no.2 and 3 to ensure that the lives and liberty of the petitioners, continue to be protected, within the four corners of law.

08.03.2018

vcgarg

(Amol Rattan Singh)

Judge

Whether speaking/reasoned: Yes

Whether reportable: Yes