

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

CRWP No.32 of 2018

Date of Decision: 05.02.2018

Mohamad Mustkeem

.....Petitioner

Vs

State of Punjab and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. R.S. Bajaj, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.(Oral)

Prayer in this petition is for issuance of roving writ in the nature of habeas corpus to release Rukhsar daughter of the petitioner from alleged illegal custody of respondent No.4.

Rukhsar has been produced in the Court by respondent No.3. According to the petitioner, date of birth of Rukhsar is 06.05.2000, whereas according to Aadhaar Card, date of birth of Rukhsar is alleged to be 04.11.1999. Court has interacted with the alleged detainee. According to the detainee, she has contracted marriage with respondent No.4 who is on run in FIR No.282 dated 21.12.2017 registered under Sections 363-A, 366,

34 IPC at Police Station Kartarpur, District Jalandhar lodged by the petitioner against respondent No.4 as well as his father.

On the request of learned counsel for the petitioner, mother of the detainee was allowed to interact with the detainee.

Concededly, father of respondent No.4 i.e. Ayub Ansari has been granted regular bail by the trial Court on 03.02.2018, wherein statement of the detainee was also recorded by the Court of Sessions.

At this stage, validity or otherwise of the marriage cannot be commented upon. The age of the detainee would also be arguable as on date in the context of matriculation certificate viz-a-viz date of birth shown in the Aadhaar Card. Since the detainee intends to go in her matrimonial house, therefore, no further action is called for. Respondent No.3 is directed to take the detainee to the matrimonial house i.e. Charkhari Mohalla, Kartarpur, District Jalandhar.

Petition stands disposed of accordingly.

February 05, 2018

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No