

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

CRWP-559-2018

Date of decision: 01.11.2018

Gurjeet Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Anil Garg, Advocate
for respondents No.4 to 6.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of habeas corpus for release of minor Amritpal Kaur, daughter of petitioner Gurjeet Singh.

On 11.07.2018, it was contended that Sukhbir Singh, who is son of respondents No.5 & 6, has been arrested and the respondents were directed to produce detainee Amritpal Kaur. Thereafter, on 26.07.2018, noticing the fact that detainee Amritpal Kaur, in her statement recorded under Section 164 Cr.P.C. before the Judicial Magistrate 1st Class, Malerkotla, stated that her date of birth is 27.02.2000, where as per

averments made in the present petition, her date of birth is 27.02.2002, based on the birth certificate, as reflected in the school record and that she is carrying pregnancy and is apprehending threat at the instance of her parents, the detainee was directed to appear before the Civil Surgeon, Dhuri for her medical examination and verification of the age as well as pregnancy. Again on 30.10.2018, detainee was present in the Court and she was sent to the Mediation and Conciliation Centre of this Court for her counselling and for recording her statement. In her statement, she has stated that she has performed marriage with aforesaid Sukhbir Singh, who was arrested in FIR No.51 dated 30.06.2018, Police Station Sadar Ahmedgarh and he has been granted the concession of bail by this Court vide order dated 26.10.2018.

As per affidavit dated 03.08.2018 filed by the Deputy Superintendent of Police, Sub Division, Ahmedgarh, the detainee was medically examined by Civil Surgeon, Dhuri and the doctor has opined that she is carrying pregnancy and as per ossification test conducted by the Medical Board consisting of three doctors, the detainee seems to be approximately between 16 to 18 years age group.

Vide aforesaid order dated 30.10.2018, SHO, Police Station Sadar Ahmedgarh, District Sangrur was directed to produce aforesaid Sukhbir Singh in the Court, today.

In pursuance of the aforesaid direction, aforesaid Sukhbir Singh is present in the Court and he was also sent to the Mediation and Conciliation Centre of this Court for his counselling and for recording his statement. In his statement, said Sukhbir Singh has stated that he has

performed marriage with detenue Amritpal Kaur and his father-in-law i.e. the petitioner, has got the aforesaid FIR registered against him, in which he has surrendered before the Court and was granted bail. It is further stated that he is ready to keep the detenue as his wife and wants to take her from the Court premises to his native Village Narike, Tehsil Malerkotla, District Sangrur, where his parents are residing.

Since both, detenue Amritpal Kaur and Sukhbir Singh, have recorded their statements voluntarily stating that they want to stay together as husband and wife, this petition is disposed of, as no further action is required.

Disposed of.

01.11.2018
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No