

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

CRWP No.601 of 2018

Date of decision : 06.09.2018

Kuldeep Khan

.....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. C. L. Pawar, Senior DAG, Punjab.

Mr. W. S. Aulakh, Advocate for respondents No.4 to 14.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Article 226 of the Constitution of India by petitioner Kuldeep Khan for issuance of a writ in the nature of habeas corpus for release of his sister namely Saira Baanu, who is minor and has been illegally detained by respondents No.4 to 14 since 19.07.2018 and in spite of making representation to the police authorities, no action has been taken. It is also mentioned in the petition that respondents No.4 to 14 are involved in certain objectionable activities and their antecedents are not good.

Notice of motion was issued in the case on 24.07.2018. Respondent No.2-Senior Superintendent of Police, Patiala was directed to ensure presence of the detainee before this Court.

Senior Superintendent of Police, Patiala is present in the Court. The alleged detainee namely Saira Baanu has also been produced in the Court.

Learned State counsel submits that the girl was recovered on 23.08.2018 by the Investigating Officer and respondent No.4 Jagdeep Singh alias Deepu has also been arrested. She was produced before the Medical Officer but she refused to get her medical examination conducted. Her statement was also got recorded before the Judicial Magistrate First Class, Rajpura under Section 164 Cr.P.C., wherein she stated that she had left the house on 19.02.2018 at about 01:00 a.m. and gone to see Jagdeep Singh son of Karam Chand resident of Mardapur, Police Station Shambhu Distt. Patiala, who then took her to some Gurudwara Sahib and thereafter, they returned back on their own and have not solemnized marriage. She further stated in her statement that she is willing to marry him and does not want to take any action against him. The minor girl was then sent to Children Home, Gandhi Vanita Ashram, Jalandhar since she refused to go with her parents.

Although, learned counsel for respondents No.4 to 14 has shown certain photographs to the Court stating that the marriage has been solemnized, but only on the basis of photographs it cannot be presumed as to whether the marriage has been solemnized or not. Moreover, the girl is minor as she is less than 18 years of age. Parents of the detainee girl are also present in the Court, who have been identified by learned counsel for the petitioner. However, Saira Bannu has refused to accompany her parents. She has stated that she would prefer to go to the place where

she is residing.

Keeping in view the statement made by the girl, no further direction is required to be passed.

The present petition stands disposed of accordingly.

06.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No