

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

CRWP No.489-2019

DATE OF DECISION:-31.05.2019

RAFFIQ

...PETITIONER..

V.

STATE OF HARYANA AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Shiva Khurmi, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Mohammad Arshad, Advocate
for respondents No.4, 17, 18 and 19.

RAMENDRA JAIN, J. (ORAL)

Mr. Mohammad Arshad, Advocate has appeared and filed memo of appearance on behalf of respondents No.4, 17, 18 and 19. The same is taken on record. Be tagged at appropriate place.

Prayer in this petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus, directing respondents No.2 and 3 to recover detenue-Sahrunna from the illegal custody of private respondents.

In compliance to order dated 28.05.2019, detenue-Sahrunna has been produced in Court today. She states that she is major and is

happily living with respondent No.4, as his legally wedded wife, having solemnized marriage with him on 18.02.2019. However, according to instant petition filed by her real brother, the date of birth of alleged detainee is 12.06.2003. Therefore, apparently as on date, she is minor.

Learned counsel for respondent No.4 submits that actual date of birth of the detainee is 12.06.2001 and second Aadhar Card has been fictitiously procured by the petitioner to show her age less. Even, if the detainee is minor, but is above the age of 15 years, therefore, her marriage with respondent No.4 is legal, as both of them are Muslims. In support of his contention, he has placed reliance upon judgment of this Court passed in *CRM-930-2014 in CRWP No.1247-2013, titled as "Yunus Khan vs. State of Haryana and ors."* dated 17.02.2014.

Considering the dictum laid down in Yunus Khan's case (supra), the detainee is ordered to be set free to accompany respondent No.4.

Dismissed.

31.05.2019
sonika

(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No