

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

**CRWP No. 549 OF 2019 (O&M)
DATE OF DECISION : 26.06.2019**

Sahina

...Petitioner

versus

State of Haryana and others

...Respondents.

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajesh Lamba, Advocate,
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana.

ARUN MONGA, J. (ORAL)

1. Vide order dated 13.12.2018, statement of the petitioner, who was present in Court was recorded in the following terms :-

" I am 19 years old. At present I am staying in Safe House, Nuh. I do not want to reside in Safe House, Nuh. I also do not want to go to the house of my parents. I have solemnized marriage with Irfan with my own free will. I want to go in the company of petitioner-Irfan, who is present in the Court, out of my own free will."

2. Today again the petitioner/detenu is present in Court along with SHO/Inspector Vishal, Police Station Tauru, District Nuh. She reiterates her above statement. During the pendency of the proceedings, ossification test of the petitioner was also conducted under the orders of Additional Chief Judicial Magistrate

Nuh and as per the ossification report Annexure P-5 (colly.), her age has been certified between 18 to 19 years.

3. On the other hand, learned counsel for the petitioner submits that petitioner being a Muslim woman, is governed by Muslim Personal Law and the marriageable age, as prescribed under section 5(iii) of the Hindu Marriage Act is not applicable to her. In any case, he relies on Adhar Card of the petitioner which records her date of birth as "01.01.2002". The said Adhar Card has been verified by the Investigating Officer and the same is found to be genuine. He further submits that her age proof, as reflected from ossification report along with Adhar Card, does not warrant any protection to be provided to her owing to her age.

In the premise, the petitioner is set free and is allowed to go with her husband, who is also present in Court out of his free will, from the Court premises itself. She is at liberty to resume her life as per her wishes.

The petition stands disposed of in the above said terms.

(ARUN MONGA)
JUDGE

JUNE 26, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No