

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRWP-557-2019

Date of decision: 24.06.2019

Gurdeep Singh

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Mr. H.S. Batth, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. D.S. Nigha, Advocate
for respondents No.4 & 5.

HARINDER SINGH SIDHU, J.

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for protection of Harpreet Kaur alleged to have been detained by respondents No.4 & 5 (father and brother of Harpreet Kaur).

The petitioner alleges that she is major and Harpreet Kaur is also a major. They decided to marry, however respondents No.4 & 5 were against the marriage. On 15.06.2018, the petitioner and the detenue left their respective houses for performing the marriage. But, on the way, Harpreet Kaur was forcibly taken away by respondents No.4 & 5.

Vide order dated 21.06.2019, the Investigating Officer was directed to produce the detenue in Court. Pursuant thereto, Harpreet Kaur is present in the Court. She states that she wishes to marry the petitioner and she does not wishes

to stay with her parents. Sh. D.S. Nigha, Advocate appears on behalf of respondents No.4 & 5 and placed on record the copy of matriculation certificate of Harpreet Kaur. As per the said certificate, date of birth of Harpreet Kaur is 08.12.2001. Accordingly, her age is about 17 years and 06 months approximately. She is thus minor. The petitioner has not yet solemnized the marriage with Harpreet Kaur. In these circumstances, Harpreet Kaur cannot be sent with the petitioner. She has also clearly expressed that she is unwilling to go with her parents who are present in the Court.

In view thereof, at present there is no option but to direct that Harpreet Kaur be lodged in the Nari Niketan at Jalandhar. The Superintendent, Nari Niketan, Jalandhar is directed to lodge Harpreet Kaur in Nari Niketan, Jalandhar till she attains the age of majority, subject to further directions of any Competent Court.

ASI Balkar Singh and SI Rupinder Kaur who have brought Harpreet Kaur to this Court, are directed to escort her to Nari Niketan, Jalandhar.

Accordingly, the present petition is disposed of.

Copy of this order be given *dasti* to SI Rupinder Kaur for compliance.

(HARINDER SINGH SIDHU)
JUDGE

24.06.2019

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Whether speaking/ reasoned:

Yes

Whether Reportable:

Yes/No