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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SANJIV KUMAR SHARMA
2019.11.09 15:39
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CRWP-896-2019
Date of decision : 8.11.2019

Jitender Petitioner

Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Munish Behl, Advocate
for petitioner.
Ms. Harpreet Kaur, AAG Haryana.
Respondent No. 7 (detenue) Sweety in person.

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HARINDER SINGH SIDHU, J.

This is a petition filed under Article 226 of Constitution of India for issuance of writ in the nature of habeas corpus for release of detenue Sweety (respondent No. 7) from Nari Niketan, Karnal.

It is stated that petitioner solemnized marriage with respondent No. 7 in a temple. Respondents No. 5 and 6, who are parents of respondent No. 7, got registered FIR No. 1071, dated 19.12.2018 against petitioner under Sections 363, 366 A IPC and under Section 4 of the POCSO Act at P.S. City Ballabgarh, District Faridabad on the allegation that their daughter (respondent No. 7) had left the house without informing anyone and despite search, she could not be located.

The learned Additional Sessions Judge, Fast Track Court, Faridabad, vide order dated 27.9.2019 (Annexure-P-6), directed that detenue Sweety (respondent No. 7 herein) be sent to Nari Niketan, Karnal.

It is stated by counsel for petitioner that respondent No. 7 got her statement recorded before Court on 27.9.2019 (Annexure-P-5) that she does not want to go with her family and that she wants to go with petitioner.

The learned counsel appearing on behalf of State has produced a photocopy of certificate of birth of respondent No. 7 Sweety, as per which her date of birth is 3.4.2003. Clearly, as per said certificate, petitioner is a minor. The Court rightly did not send her with the petitioner.

Respondent No. 7 had stated before the trial Court that she does not want to got with her family members. Thereafter, she was directed to be sent to the Nari Niketan, Karnal, vide order dated 27.9.2019.

There is no merit in the petition and same is dismissed.

(HARINDER SINGH SIDHU)
JUDGE

8.11.2019

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No