

**In The High Court for the States of Punjab and Haryana  
At Chandigarh**

CRWP-1803-2018 (O&M)  
Date of Decision:- 24.1.2019

Harjeet Kaur ... Petitioner

Versus

State of Punjab and others ... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Gurmeet Singh Guri, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. Petitioner-Harjeet Kaur has approached this Court seeking issuance of a writ of Habeas Corpus so as to release of Satwinder Kaur i.e. her daughter.
2. Pursuant to directions issued by this Court on 21.12.2018, detinue Satwinder Kaur is present in person.
3. Upon a query made by this Court, Satwinder Kaur has stated before this Court that she has married respondent No.4 Gurjant Singh out of her free will and wishes to reside in her matrimonial home only where she is residing happily.
4. Mr. Ravi Gakhar, Advocate has appeared on behalf of respondent No.4 and filed his power of attorney. The same is taken on record. He has informed that in fact one FIR No. 27, dated 28.11.2018, registered at Police Station Kheri Nodh Singh, District Fatehgarh

Sahib, under Sections 363 and 366-A IPC, had been lodged against respondent No.4, in which he has already been granted bail.

5. Learned State counsel has filed status report by way of affidavit of Sh. Navneet Singh Bains, IPS, ASP, Circle Khamanon, District Fatehgarh Sahib wherein it has been deposed that despite the best efforts made by the police, the detainee could not be traced.
6. The said affidavit would not carry any meaning as the detainee has herself appeared before this Court today.
7. Learned counsel for the petitioner has however vehemently argued that since the petitioner is not of marriageable age being aged about 16 ½ years, therefore, the marriage being not a valid marriage and she being a minor her statement is of no consequence.
8. Since the alleged detainee who is present in the Court has categorically stated that she is living happily with her husband, this Court does not feel the necessity of issuing any other directions.
9. However, the petitioner would be at liberty to have recourse to law in case she is aggrieved by any Act of respondent No.4 in marrying her daughter before marriageable age.
10. The petition stands disposed of with the aforesaid clarification.

**January 24, 2019**

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**(GURVINDER SINGH GILL)**  
**JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No