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

CRWP No.915 of 2020

Date of Decision: 03.02.2020

IMRAN

.....Petitioner

Vs

**STATE OF HARYANA THROUGH HOME SECRETARY AND
OTHERS**

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. M.D. Khan, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

Ms. Santosh Bhardwaj, Advocate
for respondent No.4.

Mr. Mohammad Arshad, Advocate
for respondent No.9.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has preferred this crl. writ petition for the issuance of writ order or direction especially in the nature of habeas corpus for the release of his sister Saina from the alleged illegal detention of respondents No.4 to 9.

[2]. In compliance of the order dated 27.01.2020, the alleged detainee Saina has been produced by respondent No.3.

[3]. Learned State counsel by referring to the statement of

Saina recorded under Section 164 Cr.P.C. submitted that Saina has contracted *nikah* with respondent No.4 namely Arshad, according to her wish.

[4]. Learned counsel appearing on behalf of respondent No.4 submitted that according to Muslim Personal Law (Shariat) Application Act, 1937, the marriage without consent of father is invalid only in case the girl is less than 15 years of age. Learned counsel relied upon **Mohd. Samim vs. State of Haryana and others, 2019(1) R.C.R. (Criminal) 685** and **Kammu vs. State of Haryana and others, 2010(4) R.C.R. (Civil) 716**.

[5]. Saina is present in Court. She is about 16 years of age. On being asked, she has flatly refused to go with the petitioner, rather asserted that she would go with respondent No.4-Arshad.

[6]. In view of aforesaid position, the custody of Saina with respondent No.4 cannot be termed to be illegal or unlawful. No further order is required to be passed.

[7]. Petition stands disposed of.

[8]. Petitioner would be at liberty to avail his legal remedies in accordance with law.

February 03, 2020

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No