

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

**CRWP-2466 of 2020
Decided on: 12.03.2020**

Nanak Dev

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Nanak Dev-Petitioner in person with
Sh.L.S. Lakhanpal, Advocate

Shilpa (Detenue) d/o Sh. Ashwani Kumar with
Sh. Govinder Kumar, SHO, Police Station City, Hoshiarpur

Ashwani Kumar-Respondent No.5 (father of detenue),
Renuka-Respondent No.6 (mother of detenue) with
Sh. Arun Singla, Advocate

Sh. M.S. Nagra, AAG, Punjab

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of writ of Habeas Corpus to release the detenue-Shilpa from the custody of respondent Nos. 5 to 9. It is noticing that the respondent Nos. 5 and 6 are the parents of the detenue- Shilpa.

The counsel for the petitioner submits that the petitioner and detenue-Shilpa are major as their aged about 34 years and 25 years respectively and they have performed marriage which was registered with the Registrar of Marriage Dehradun on 3rd February 2020. It is further stated that the private respondents have forcefully taken away the detenue-Shilpa and she be got released from their custody.

In pursuance to notice of motion, respondent Nos. 4 to 6 have filed reply by way of Sh. Ashwani Kumar, father of detenue-Shilpa. The counsel for the respondent Nos. 4 to 9 has submitted that petitioner is not a legally wedded husband of Shilpa as petitioner is already married with a lady Meena Kumari and out of this wedlock he is having of two children. The Voter card of the lady Meena Kumari is relied upon by the counsel for the private respondents.

In pursuance to the order dated 4th March 2020, the SHO Police Station City, Hosiarpur was directed to produce detenue-Shilpa before this Court.

Today all the parties are present and they were referred to the Mediation and Conciliation Centre of this Court for the purpose of conciliation and recording their statements.

Petitioner Nanak Dev has recorded the statement that he has performed marriage with detenue-Shilpa on 3rd February 2020 and their above which was registered with the Registrar of Marriage, Dehradun on 3rd February, 2020 and he is identified by counsel representing him in the present case.

The detenue-Shilpa has also recorded the statement in which she is stated that she is aged about 25 years and performed marriage with the petitioner of her own sweet will and without any pressure, on 3rd February 2020 and thereafter she was residing with petitioner as his wife and she do not want to go back parental home. It is further stated that she do not want that her parents should interfere in her matrimonial life and she is taking all the responsibility of her married life. It is also stated certain items including educational

testimonials passports and Adhaar Card were taken by her parents.

In a separate statement recorded by Ashwani Kumar and Renuka, parents of Shilpa, it is stated that they are presently residing in California, (USA) and their daughter Shilpa has performed the marriage without their consent. On coming to know about the marriage they have come to Hoshiarpur and have come to know that the petitioner Nanak Dev is a married person and having two children from his wife Meena Kumari. It is further stated that today onwards both the parents do not want to continue any relation with their daughter-Shilpa and disown her from their property. It is also stated that they do not want to interfere in the life of detainee-Shilpa and petitioner-Nanak Dev.

In view of the statement of the parties, the detainee is set free to go with petitioner-Nanak Dev.

It is also made clear that the observation made in this order regarding the marriage of the petitioner-Nanak Dev with detainee-Shilpa will have no bearing on the fact whether or not petitioner-Nanak Dev is already married and have not obtained any divorce from his wife Meena Kumari.

Accordingly, the present petition is disposed of, liberty is granted to the detainee-Shilpa to accompany with the petitioner-Nanak Dev.

(ARVIND SINGH SANGWAN)
JUDGE

12.03.2020
vishal/priyanka

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No