

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

**CRWP No.3784 of 2020
Date of Decision: 16.06.2020**

Jitin Kukreja

Petitioner.

Versus

State of Haryana and others

Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ganesh Sharma, Advocate and
Ms. Ruchi Gupta, Advocate
for the petitioner.

Mr. Anmol Malik, DAG., Haryana.

Mr. Shashi Kumar Yadav, Advocate
for respondents no.4 and 5.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This petition has been filed, seeking issuance of a writ of Habeas Corpus, directing the respondents particularly respondents no.4 and 5 to produce the detenue-Baljeet Kaur, who is stated to be confined illegally by the said respondents.

The petitioner claims to have married the alleged detenue-Baljeet Kaur on 07.05.2020 at Arya Smaj Mandir, Ballabgarh, Faridabad. Copy of the marriage certificate dated 07.05.2020 is attached as Annexure P-1. It is submitted that the petitioner and Baljeet Kaur solemnized marriage out of their own free will and

volition and against the wishes of respondents no.4 and 5. A petition seeking protection of their life and liberty was filed by the petitioner and Baljeet Kaur before the learned Sessions Judge, Faridabad. As per order dated 08.05.2020, attached as Annexure P-4, the petitioner and Baljeet Kaur were lodged at the shelter home at Faridabad. The said petition was disposed of on 13.05.2020 while noticing that respondents no.4 and 5 are agreeable to the marriage. Copy of order dated 13.05.2020 is attached as Annexure P-5.

Learned counsel for the petitioner submits that it was merely a false assurance given by respondents no.4 and 5. The petitioner's wife was taken away by the parents i.e., respondents no.4 and 5 on the pretext of conducting the marriage according to the customary rites and rituals, with pomp and show. However, the detenue-Baljeet Kaur, it is submitted is being detained illegally by respondents no.4 and 5 since 13.05.2020 and she has expressed to the petitioner that she might be killed by the said respondents. It is further submitted that the petitioner's wife has also conveyed to him that her signatures have been taken forcibly on blank papers by her parents and she is being physically tortured. The petitioner is also being threatened with implication in false cases.

Notice of motion.

Mr. Anmol Malik, DAG., Haryana, accepts notice on behalf of respondents no. 1 to 3. Advance copy of the petition stands served upon the State.

Mr. Shashi Kumar Yadav, Advocate, at this stage, appears on behalf of respondents no.4 and 5. It is vehemently denied that Baljeet Kaur is being illegally confined by respondents no.4 and 5 though marriage between the petitioner and Baljeet Kaur is admitted. It is stated that Baljeet Kaur is living with her parents i.e., respondents no.4 and 5 out of her own free will and volition as she does not wish to live with the petitioner any longer. A petition has also been

filed by Baljeet Kaur for declaring the marriage null and void.

Learned counsel for the State, as per e-mail received from SHO NIT, Faridabad, submits that intimation has been given regarding disposal of the petition seeking protection before the learned Sessions Judge, Faridabad on 13.05.2020. It is further mentioned that Baljeet Kaur, on enquiry, has been found to be residing with her parents out of her own free will.

Keeping in view the facts and circumstances as above and the peculiar circumstances created by the outbreak of the pandemic COVID-19, it is directed that Baljeet Kaur be presented before the learned Chief Judicial Magistrate/Duty Magistrate, Faridabad, on 17.06.2020. Learned Chief Judicial Magistrate/Duty Magistrate, shall record the statement of Baljeet Kaur in this respect. In case, she expresses her desire to accompany the petitioner, she shall be at liberty to accompany the petitioner and it shall be ensured that respondents no.4 and 5 do not create any obstacles or hurdles therein. However, in case, Baljeet Kaur expresses her wish to reside with her parents, needless to say, the petitioner shall be at liberty to avail the remedy/remedies as may be available to him under the provisions of law.

Petition is disposed of accordingly.

16.06.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.