

CRWP-8790-2020

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

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Date of decision: 24.11.2020

Joginder Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Neeraj Madaan, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Articles 226/227 of the Constitution for the issuance of a writ in the nature of *habeas corpus* for the release of detainee-Monika Rani (wife of Ajay Kumar), daughter-in-law of the petitioner, from the illegal custody of Gandhi Vanita Ashram, Tehsil and District Jalandhar.

Vide order dated 26.10.2020, learned State counsel was directed to file an affidavit of the concerned Senior Superintendent of Police after recording the statement of the detainee.

In pursuance thereof, affidavit dated 23.11.2020 of the Senior Superintendent of Police, Ferozepur, District Ferozepur, has been filed through e-mail. Print out of the same is taken on record.

As per the said affidavit dated 23.11.2020, the detainee is

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presently staying in Gandhi Vanita Ashram (Children Home), Jalandhar; that she has solemnized marriage with Ajay Kumar, son of Joginder Singh(petitioner); that as per the matriculation certificate and *aadhar* card, her date of birth is 12.02.2002, and that in the FIR, itself, lodged by the father of detainee, her date of birth stands jotted down as 12.02.2002.

Learned State counsel very fairly submits that as per the statement of detainee-Monika Rani recorded by SI Sukhbeer Kaur in the presence of the Superintendent, Children Home for Girls, Gandhi Vanita Ashram Jalandhar City, she has expressed her desire to join the company of her in-laws.

Since the son of the petitioner has solemnized marriage with the detainee, therefore, he has become her natural guardian.

In view of the above, the present petition is allowed and the Superintendent, Children Home for Girls, Gandhi Vanita Ashram Jalandhar City, is directed to hand over the custody of detainee-Monika Rani to her in-laws/petitioner, after due verification of their identity.

Such directions are being given for the reason that the husband of the detainee, who ordinarily was to be handed over her custody, is statedly confined in jail in connection with an FIR got registered by the father of detainee.

24.11.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No