

In the High Court of Punjab and Haryana at Chandigarh

**Criminal Writ Petition No. 1420 of 2021
Date of Decision: 17.3.2021**

Nandlal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Harlove Singh Rajput, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mr. Ankur Sidhar, Advocate
for Sukbir-father of detenu

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ in the nature of Habeas Corpus directing respondents 2 to 5 to produce the fiancé of the petitioner, namely, Priyanka, allegedly detained by respondent No. 3.

Vide order dated 11.2.2021, passed by a Co-ordinate Bench of this Court, Superintendent of Police, Karnal was directed to depute a responsible lady police official to visit Nari Nekatan, Karnal and to produce the girl before the Illaqa Magistrate for recording her statement especially with regard to her age and also to the effect that she has been engaged with the petitioner or not and also her willingness.

As per the status report filed by of affidavit of Superintendent

of Police, Karnal dated 18.2.2021, the statement of Priyanka daughter of Sukhbir was recorded by Judicial Magistrate Ist Class Karnal on 17.2.2021, in which she stated that her date of birth is 18.6.2002 and she wants to perform marriage with Nandlal (petitioner). The statement of the alleged detainee is placed on record as Annexure R-1.

Vide order dated 19.2.2021, passed by a Co-ordinate Bench of this Court, the State was directed to verify the genuineness of Secondary Examination Certificate dated 21.5.2019 issued by Board of School Education, Haryana as well as the date of birth certificate issued by Deputy Civil Surgeon-cum-Additional District Registrar (Births & Deaths), Hisar, issued in the name of detainee-Priyanka.

In compliance of the said order, compliance report by way of affidavit of Superintendent of Police, Karnal dated 08.3.2021, has been filed in the Registry, which is taken on record. In the report, it has been specifically stated that SHO, Police Station Women, Karnal visited the office of Deputy Civil Surgeon-cum-Additional District Registrar (Birth and Death), Hisar on 1.3.2021 and verified about the birth certificate issued by the said office and as per their record, the date of birth of detainee Priyanka is 15.3.2003.

It is also mentioned in the report that on the same day, the enquiry officer visited the office of Board of School Education, Haryana, Bhiwani to enquire about the date of birth of Priyanka and as per the report of Superintendent (H.O.S.), Board of School Education, Haryana, Bhiwani, her date of birth is 18.6.2002. Thereafter, the enquiry officer also visited the Government Primary School, Muzadpur, Hansi, District Hisar and as per admission withdrawal register of the said school, the date of birth of

Priyanka is 18.6.2002.

It has also been brought to the notice of this Court that Sukhbir, father of detenue-Priyanka, has also filed CRWP-10485-2020 which was dismissed as withdrawn on 29.1.2021 (Annexure P-2).

Learned State counsel has not disputed the fact that the statement of Priyanka was recorded before the Judicial Magistrate Ist Class, Karnal, wherein she has expressed her desire to solemnize marriage with Nandlal i.e. the petitioner. He has also not disputed the fact that as per the report of Superintendent (H.O.S.), Board of School Education, Haryana, Bhiwani, the date of birth of detenue-Priyanka is 18.6.2002.

Learned counsel appearing on behalf of Sukhbir-father of detenue, submits that the present petition has been filed by concealment of facts regarding lodging of FIR against the petitioner by Sukhbir, father of the girl. He further submits that they have falsely deposed by way of affidavit regarding the live-in relationship (Annexure P-1/A). Learned counsel further submits that the present writ petition has not even been signed.

I have heard the learned counsel for the parties.

It is a case in which detenue-Priyanka has appeared before the Judicial Magistrate Ist Class, Karnal and got recorded her statement in which she has specifically stated that she intends to marry Nandlal-petitioner and has also stated that her date of birth is 18.6.2002. This fact has also been verified by the enquiry officer, who visited the office of Board of School Education, Haryana, Bhiwani and as per the report of Superintendent (H.O.S.), Board of School Education, Haryana, Bhiwani, her date of birth is 18.6.2002. As per the record of Government Primary School,

Muzadpur, Hansi, District Hisar also, the date of birth of detenue-Priyanka is 18.6.2002. Thus, her age comes to 18 years and 9 months.

Keeping in view the above, Incharge, Nari Niketan, Karnal-respondent No. 3 is directed to release detenue-Priyanka, daughter of Sukhbir, resident of Mujadpur. Tehsil and District Hisar, forthwith. Detenue-Priyanka is at liberty to join the company of Nandlal-petitioner s/o Ramesh r/o VPO Moojadpur, Tehsil and District Hisar or her father Sukhbir s/o Charanji Lal r/o village Mujadpur, Tehsil Hansi, District Hisar.

The petitioner is at liberty to approach the appropriate authority for other grievances, if any.

The petition stands disposed of.

(HARNARESH SINGH GILL)
JUDGE

March 17, 2021
Gurpreet

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