

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211)

CRWP-1495-2020

Date of decision: - 12.10.2021

Nirmal Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Krishan Singh, Advocate,
for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed seeking a writ in the nature of Habeas Corpus for getting the detainee, namely, Khushleen Kaur released from the illegal custody of respondents No.3 and 4.

Present petition was filed in the year 2020. At the said time, the alleged detainee, namely, Khushleen Kaur was minor in age and keeping in view the wishes of the said detainee, she was allowed to live in Nari Niketan, Karnal. From the said Nari Niketan, Karnal, the alleged detainee, namely, Khushleen Kaur was sent to the Children Home (Girls) Balkunj, Chhachhrauli, where she is staying at the moment.

Learned counsel for the petitioner argues that detainee

Khushleen Kaur has now attained the age of majority and therefore, she should have been allowed to live as per her wishes and be released from Children Home (Girls) Balkunj, Chhachhrauli.

On 15.09.2021, the following order was passed by this Court:-

“Present petition has been filed seeking a writ in the nature of Habeas Corpus for getting the detainee, namely, Khushleen Kaur released from the illegal custody of respondents No.3 and 4.

Learned counsel for the petitioner submits that keeping in view various orders passed by the Competent Court of Law initially, the alleged detainee was got admitted in Nari Niketan and thereafter, keeping in view the order passed by this Court on 20.07.2021, she has been sent to Balkunj, Yamuna Nagar where she is presently residing.

Learned counsel for the petitioner submits that the alleged detainee as of now has attained the age of majority and therefore, she be released from the institution so as to live wherever she wants.

Before any action is taken on the said prayer, respondent-State is directed to produce the said detainee before the learned Illaqa Magistrate, Yamuna Nagar and get her statement recorded. The concerned Court is directed to ascertain the age of the alleged detainee, namely, Khushleen Kaur and her wishes as to where she wants to reside in case she has attained the age of majority, be recorded and her statement alongwith the comments of the concerned Magistrate be sent to this Court before the next date of hearing.

To come up for further consideration on 05.10.2021. “

In pursuance to the said order, a report has been received from the Judicial Magistrate 1st Class, Sub Division, Bilaspur, dated 28.09.2021, wherein, it has been mentioned that keeping in view the record produced before the Judicial Magistrate 1st Class, detainee Khushleen Kaur has attained the age of majority as her date of birth is 13.09.2003 and she has expressed her desire to live with the petitioner

with whom she had solemnized marriage. The report of the Judicial Magistrate 1st Class, Bilaspur is as under: -

I have the honour to refer to order dated 15.09.2021 passed by the Hon'ble Punjab and Haryana High Court in the subject cited case. In compliance to the above said order, detenue Khushleen Kaur has been produced before the undersigned from Children Home (Girls) Balkunj, Chhachhrauli for recording her statement. L/HC Babli Rani tendered copy of birth certificate and copy of school leaving certificate of Khushleen. As per directions of Hon'ble Punjab and Haryana High Court, the undersigned has been directed by the Hon'ble Punjab and Haryana High Court to record the statement of detenue namely Khushleen Kaur. The statement of Khushleen Kaur has recorded in which she has stated that her date of birth is 13.09.2003 and she has studied upto 9th Class in Government School, Kardhan. She further recorded her statement that she wants to reside with Nirmal Singh with whom she solemnized marriage at village Landha which is village of Nirmal Singh. She further recorded that she be sent with Nirmal Singh.

Considering the copy of birth certificate, copy of school leaving certificate and statement got recorded by detenue Khushleen Kaur, it is humbly submitted that today age of Khushleen Kaur is 18 years 15 days and she wants to reside with Nirmal Singh and wants to live at village Landha which is village of Nirmal Singh as according to her statement she solemnized marriage with Nirmal Singh. This is for your goodself kind information.

Original statement of Khushleen Kaur is enclosed herewith for kind consideration, please.”

Keeping in view the above said fact, as the detenue, namely, Khushleen Kaur has attained the age of majority and expressed her desire to live with the petitioner with whom she had solemnized marriage, a direction is issued to the competent authority in the District Administration of Yamuna Nagar to produce the said detenue, namely,

Khushleen Kaur before the Judicial Magistrate 1st Class, Sub Division Bilaspur, on 14.10.2021, who after ascertaining all the facts, should release her from the Children Home (Girls) Balkunj, Chhachhrauli so that she will be able to live according to her wishes, being major in age.

Present petition is disposed of in above terms.

October 12, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No