

102-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.23938 of 2021 (O&M)

Date of decision: 19.07.2021

Ranjja

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-18391-2021

Prayer in this application is for preponing the date fixed in
the main petition.

Heard.

For the reasons stated in the application, the same is
allowed and the main case is taken up today for hearing.

CRM-M-23938-2021

Prayer in this petition is for setting-aside the order dated
12.06.2021 (Annexure P2) passed by the Sub-Divisional Judicial
Magistrate, Jalandhar, vide which Rani, to whom the petitioner claim to
have married, was sent to State After Home, Amritsar till further orders.

Counsel for the petitioner has submitted that the said order
was passed after the statement of Rani, daughter of Saif Ali was
recorded, which is to the following effect:-

“Stated that I am resident of above mentioned

CASE HEARD THROUGH VIDEO CONFERENCING

Address and do the household work. I have on talking terms/love affairs with Ranjja son of Sher Ali resident of Village Talawandi Araiyan and wanted to marry against the wishes of my family members, upon which my husband, my family members, and relatives were got annoyed and compelled to gave statement against us. I do not want to live with my family members and relatives. I after solemnize marriage with Ranjja want to live with him.”

Counsel for the petitioner has further submitted that admittedly, Rani is aged more than 20 years as per the police report and therefore, she has been illegally kept in the State After Home, Amritsar. It is further submitted that on an earlier occasion, the petitioner has filed a habeas corpus petition vide CRWP No.5446 of 2021, which was disposed of on 14.06.2021, noticing the fact that Rani (detenue in the said case) was kept in State After Home, Amritsar, as per the impugned order passed by the SDM, Jalandhar and liberty was granted to avail the alternative remedy.

Counsel for the petitioner has also submitted that on account of causing injuries to the petitioner, FIR No.79 dated 05.06.2021 was registered under Sections 323, 341, 342, 365, 506, 149 IPC at Police Station Adampur, District Jalandhar Rural, against the private respondents and in the anticipatory bail application filed by them vide CRM-M No.25257 of 2021, the affidavit of all the accused persons namely Lalo, Shaff Ali @ Shefu, Kau @ Kaimdeen @ Kaimdeep, Jatun @ Bati @ Banti, Mohammad Nazeer @ Nazeer, Abhi and Kali, have been filed and in the said affidavits, it is stated that the custody of Rani is given to State After Home, Amritsar and FIR No.79 was registered against the petitioners in that case i.e. CRM-M

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No.25257 of 2021, wherein they are praying for anticipatory bail. It is further stated that all the petitioners (accused persons) have no objection, if Rani is released from State After Home, Amritsar (Nari Niketan) and the will not object in any manner in her life and will not extend any threat to her for all times to come and will also not cause harassment or mental torture in her life and her family members have also no objection if she is released from Nari Niketan either with the petitioner – Ranjja or with her family.

Counsel for the State has not disputed the factual position.

In view of the above, this petition is allowed, the order dated 12.06.2021 passed by the Sub-Divisional Judicial Magistrate, Jalandhar, is set-aside and the authorities of State After Home, Amritsar, are directed to set Rani, wife of the present petitioner, free after recording her statement in their record as to with whom she want to go, either the petitioner – Ranjja or her family members.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

19.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No