

**CRM-W-47-2021 in/and
CRWP-395-2019**
Date of Decision:11.02.2021

Mangat Masih

.....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Ms. Vasundhra Dalal Anand, Advocate
for the UT, Chandigarh.

Mr.J.S.Mahal, Advocate,
for applicant/respondents no. 4 to 6

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 04.02.2021, the following order had been passed by this
court:-

“Since the Bar is abstaining from work today, none
appears for the parties.

By this petition, the petitioner seeks the issuance of a
writ in the nature of habeas corpus, seeking the release of his minor
daughter, Aradhana (alleged detainee).

In CRM-W-47 of 2021, the following order had been
passed on 19.01.2021:-

“Case heard by video conferencing.

By this application, the alleged detainee, Aradhana,
daughter of the petitioner in the accompanying petition, is sought to
be released from the institution known as ‘Aashiana, Sector-15,
Chandigarh, as it is contended by the applicant (respondent no.4 in
the accompanying petition) that she has attained the age of majority

after they got married to each other.

Mr. Mahal, learned counsel for the applicant, submits that the detainee be now produced and asked to make a statement before a competent court as to whether she would like to come back to her parents or would like to reside with the applicant, i.e. respondent no.4, whom she is stated to have married.

Notice in the application, with Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepting notice on behalf of the respondent State, on the asking of the court.

Mr. Amandeep Singh Manaise, Advocate, appears and accepts on behalf of the non-applicant petitioner and states that as the petitioners' daughter has attained majority, he has no objection to the application being allowed.

Consequently, it is directed that the alleged detainee, i.e. Aradhana, be produced before the Illaqa Magistrate concerned, where she would record her statement if she wishes to, as to whether she wishes to go back to her parents or to the residence of the applicant (respondent no.4 herein).

A report be sent by the learned Area Magistrate along with the statement made by the aforesaid girl. Naturally, the proof of her age be also produced before that court.

Adjourned to 04.02.2021.”

Pursuant to the said order, the statement of the detainee, i.e. Aradhana daughter of Mangat Masih, is stated to have been recorded on 28.01.2021 before the learned JMIC, Chandigarh, with a copy of the said statement duly signed by the Magistrate having been put up to this court, wherein it is stated by the aforesaid girl (shown to be 18 years of age), that she wishes to continue residing at the institution known as Aashiana (Sector-15, Chandigarh) for a further period of 10 days, as her examinations for Class 12 were commencing on 29.01.2021

She is further shown to have stated that thereafter she wishes to reside with her husband, Rajan Masih, and not with her parents, with in any case even counsel appearing for her father, i.e. Mr. A. S. Manaise, Advocate, having stated before this court on the last date of hearing that the girl has now attained the age of majority and that he had no objection if the application is allowed.

Keeping in view the above, adjourned to 11.02.2021.

In the meanwhile, the girl would be kept, as per her own wishes, in the aforesaid institution known as 'Aashiana'.

To be shown in the urgent motion list.”

Learned counsel for the applicant/respondent no.4 in CRM-W-47-2021, submits that as now the examinations of the alleged detainee have concluded, she may be allowed to accompany the applicant, i.e. her husband, to his home.

As per the report of the learned JMIC, Chandigarh, dated 02.02.2021, the alleged detainee, i.e. Aradhana, who is presently staying at the institution known as Ashiana, Sector 15, Chandigarh, had made a statement before that court on 28.01.2021, that she wished to reside at the said institution for 10 days during the period of her Class-XII examinations, after which she wanted to reside with her husband, Rajan Masih (respondent no.4), and she did not wish to go to her parents and in fact had a threat perception from them.

That being so, without making any comment on whether she had a threat perception or not, which of course would be looked into by the concerned authority in case any such complaint is made, with Mr. Manaise learned counsel appearing for the petitioner, i.e. the father of the girl, also reiterating that since she has now attained majority (on 10.01.2021), he has no objection to her going and staying with her husband, consequently, the application (CRM-W-47-2021) is allowed, with the aforesaid Aradhana, whose date of birth has also been confirmed from her educational certificate by the UT, Chandigarh (as submitted by Ms.Vasundhara Dalal Anand, learned counsel appearing for the UT), is ordered to be released from the said institution, with her obviously at liberty to go wherever she wants, i.e. with her husband as she had stated before the learned Magistrate.

The writ petition (CRWP-395-2019) itself being one seeking

her release from the alleged illegal custody of respondents no.4 to 6, therefore, in view of the statement made by the detenue herself who has now attained majority, the petition is disposed of, with the detenue having been ordered to be released, but with her custody obviously not being given to her father in view of her statement upon attaining majority.

February 11, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO