

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-48242-2021 (O&M)
Date of Decision:-1.12.2021

Sukhveer Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sumeet Puri, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner-Sukhveer Kaur has approached this Court seeking issuance of directions to respondent No.2 to release her from Children Home as she has attained the age of majority.
2. The petitioner and one Gurwinder Singh had earlier approached this Court by way of filing CRWP-4884 of 2021 seeking issuance of directions to official respondents to protect their lives and liberty as the private respondents, who were relatives of the petitioners, were against the 'live-in' relationship of Gurwinder Singh and Sukhveer Kaur (petitioner).
3. On 16.7.2020, this Court passed the following order in CRWP-4884 of 2021:

“Prayer in this petition is for issuance of directions to the official respondents to protect the life and liberty of the petitioners at the instance of private respondents.

The petitioner No.1 is stated to be aged about 20 years and petitioner No.2 is stated to be 16 years and 08 months of age. In para 8 of the petition it is stated that the petitioners are in live-in relationship.

Be whatsoever, considering the fact that petitioner No.2 is only aged about 16 years and 08 months and is stated to be presently residing with petitioner No.1, the SHO, Police Station Lehra Gaga, District Sangrur along with one Lady Constable, are directed to take the custody of petitioner No.2 – Sukhveer Kaur and send her to Gandhi Vanita Aashram, Jalandhar.

After her counselling, the statement of petitioner No.2 – Sukhveer Kaur be got recorded before the Chief Judicial Magistrate, Jalandhar in camera proceedings to find out whether she want to stay with her family or with petitioner No.1.

List again on 31.07.2020.

The statement of petitioner No.2 be produced before this Court on the next date of hearing.

The petitioner No.1 will make arrangements to send petitioner No.2 before the SHO, Police Station Lehra Gaga, District Sangrur on or before 18.07.2020.

The In-charge, Gandhi Vanita Aashram, Jalandhar will also arrange one meeting of petitioner No.2 – Sukhveer Kaur with her family/respondents No.4 and 5.”

4. The aforesaid petition i.e. CRWP-4884 of 2020 ultimately came to be disposed off on 15.1.2021 by passing the following order:

“The envelope containing the statement of Sukhveer Kaur, which has been recorded by learned Judicial Magistrate 1st Class, Jalandhar on 18.7.2020 has been opened.

Mrs. Sukhveer Kaur has stated to the following effect:

“Stated that I am legally wedded wife of Gurwinder Singh. We got married on 9.7.2020 at Chandigarh.

Now I am presently residing at Gandhi Vanita Ashram, Jalandhar, as per the directions of the Court. I do not want to accompany my parents as I want to stay with my husband Gurwinder Singh as his wife.”

5. From the aforesaid statement of Sukhveer Kaur recorded before learned Judicial Magistrate 1st Class it is apparent that she does not wish to reside with her parents and wishes to stay with her husband Gurwinder Singh as his wife.
6. On the last date of hearing i.e. on 25.11.2021, this Court had specifically asked the State to furnish information as regards the age of the petitioner.
7. Today, learned State counsel, upon instructions from ASI Sita Ram, has informed that the factum of date of birth of the petitioner has been verified and that the date of birth of the petitioner is 14.11.2003 and as per which the petitioner as on date is aged more than 18 years.
8. Keeping in view the fact that the petitioner as of now is a major, there would be no justification in detaining her at Gandhi Vanita Ashram, Jalandhar. The petition, as such, is disposed off with a direction to respondent No.2-Superintendent, Children Home, Gandhi Vanita Ashram, Kapurthala Road, Jalandhar, District Jalandhar not to detain the petitioner any longer in their Ashram. The petitioner would be at liberty to reside with her husband or her

parents as per her will. Respondent No.2 shall inform the parents of the petitioner about her release.

1.12.2021
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No