

CRWP-10169-2021 (O&M)

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRWP-10169-2021 (O&M).
Decided on: January 10, 2022.

Mohammad Varish

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
*** * ***

PRESENT Mr.Talim Hussain, Advocate,
for the petitioner.

Mr.Vishal Malik, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, with a prayer for issuance of writ in the nature of habeas corpus for recovery of detainee namely Tanjila from the illegal custody of private respondent Nos.4 to 6.

Learned counsel for the petitioner has submitted that petitioner is the husband of detainee and they have got married with each other. Petitioner is of the age of 25 years and the detainee is 17 years and 8

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months old and the parties are governed by the Muslim personal law wherein the age of marriage is the same as that of puberty which is fixed as 15 years. He has relied upon judgment of a Coordinate Bench of this Court.

Notice of motion was issued in this case and the reply has been filed by the Deputy Superintendent of Police, Punhana, District Nuh, on behalf of respondent Nos.1 to 3.

Learned State counsel while referring to the reply filed by the State has submitted that detinue was produced before the learned Illaqua Magistrate, Ferozepur Jhirka, and her statement was recorded vide Annexure R-1 in which she has stated that she had voluntarily married the petitioner about 15 days ago and was residing with the petitioner as his wife but one week earlier when she was coming with the petitioner to Punhana, her family members had forcibly snatched her away from her husband. Learned State counsel has further submitted that minor girl is now residing at Depalya Children Home in view of the fact that she was minor.

Learned counsel for the petitioner has submitted that since detinue has already attained the age of puberty and she has inherent right to live with her husband, she may be ordered to be released from the Children Home so that she may live with her husband because she had voluntarily given her statement before the Illaqua Magistrate.

In view of above, it is directed that detinue Tanjila shall be at liberty to make appropriate application before the Child Welfare Committee, Nuh as well as Dipalya Children Home, for her release in view

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of the fact that she has attained the age of puberty. In case such an application is moved, then the detenue namely Tanjila shall be set at liberty so as to enable her to live with her husband - petitioner.

Disposed of accordingly.

January 10, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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