

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

209

CRWP 11220 of 2022

Date of Decision: 05 December, 2022

Yudhbir Singh @ Jodhbir
Singh @ Jodha

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Angel Walia, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

The petitioner has filed the present petition before this Court with a prayer to issue writ in the nature of *Habeas Corpus* for release of the alleged *detenue*, namely, Kiran Jyoti Kaur from the custody of respondent No. 3.

As per the petitioner, his marriage was solemnized with Kiran Jyoti Kaur (*alleged detenue*) according to the Sikh rites on 24.06.2021. After the marriage, the petitioner had approached the Punjab State Human Rights Commission, Chandigarh seeking protection and vide order (Annexure P-1), the Commission had directed the Commissioner of Police, Amritsar to hear the petitioner and the alleged *detenue*; to assess the threat perception to the lives and liberty of the complainants and to provide them adequate security, if need be, as per law.

It has been further stated that Mandeep Kaur, mother of the alleged *detenue* had lodged one FIR No. 174 dated 26.06.2021 under Sections 363 and 366-A IPC, Police Station Lopke against the petitioner on the ground that the petitioner had enticed away her minor daughter Kiran Jyoti Kaur (alleged *detenue*) on the pretext of the marriage and the FIR was annexed with the petition as Annexure P-2. After that, the statement of the alleged *detenue* was recorded under Section 164 Cr.P.C., but she opted not to go with her parents and expressed her willingness to go with the present petitioner. Since, she was minor, she was sent to Children Home Gandhi Vanita Ashram, Jalandhar, in view of the order dated 16.08.2021 passed by the respondent No. 2. It is further submitted that date of birth of the *detenue* is 22.10.2004 and she has now attained the age of majority on 22.10.2022. Since, she had attained the age of majority, she was ordered to be confined in Nari Nikatan, Jalandhar. After this, the petitioner moved an application before the Illaqua Magistrate Ajnala for issuance of directions to the Nari Niketan to release the alleged *detenue* Kiran Jyoti Kaur and vide order dated 03.11.2022, the learned Judicial Magistrate 1st Class directed the petitioner to approach the Child Welfare Committee, Amritsar for effecting her release as per law. As per the petitioner, he moved an application to the Child Welfare Committee, Amritsar, for releasing the *detenue* from the custody and to hand over the custody of the *detenue* to the petitioner, but, no action has been taken on the representation submitted by the petitioner.

On the last date of hearing, the Commissioner of Police, Jalandhar, was directed to produce the alleged *detenue* Kiran Jyoti Kaur

before this Court and in compliance of the said order, the alleged *detenue* Kiran Jyoti Kaur is produced before this Court. I have interacted with Kiran Jyoti Kaur, alleged *detenue*, and she submits that she wants to go with the petitioner. She states that she had married the petitioner as per Sikh rites and ceremonies on 24.06.2021 and wants to go to her matrimonial home, with the petitioner.

In view of the statement made by Kiran Jyoti Kaur, alleged *detenue*, her custody is ordered to be handed over to the petitioner and she is at liberty to go the place of her choice.

With these observations, the petition stands disposed of.

A copy of this order be handed over to the learned State Counsel under the signatures of the Bench Secretary of this Court.

05 December, 2022
amit rana

(N.S.SHEKHAWAT)
JUDGE

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

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRWP 10827 of 2022 (O&M)
Date of Decision: 05 December, 2022**

Rojina and another	Vs.	...Petitioners
State of Haryana and others		...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : None for the petitioners.
Mr. Rajinder Kumar, DAG, Haryana.
None for the private respondents.

N.S.SHEKHAWAT, J. (Oral)

The petitioners have filed the present petition before this Court with a prayer to protect the lives and liberty of the petitioners and to restrain the private respondents from interfering in their peaceful married life.

Learned counsel appearing for the State submits that the petitioners and the private respondents appeared before the Station House Officer, Police Station Bilaspur and made their respective statements. The statements of both the petitioners have been recorded and they submitted that they do not apprehend any threat from any one and do not require police protection. Even the statements of private respondents have been recorded and they have no objection to the marriage of the petitioners.

In view of above, no further directions are required to be passed. However, in case the petitioners apprehend any threat from any corner, they are at liberty to take recourse to law and move a representation in this regard.

With these observations, the present petition stands disposed of.

05 December, 2022
amit rana

(N.S.SHEKHAWAT)
JUDGE

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