

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

256

CRWP-1102 of 2019

Date of Decision:13.12.2022

Manak Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed by the petitioner under Article 226 of the Constitution of India seeking a writ in the nature of Habeas Corpus for release of detenue namely Kuldeep Kaur minor daughter of the petitioner, who is stated to be in illegal custody of respondents No.4 to 6.

Nobody has caused appearance on behalf of the petitioner and the same was the position on the last two dates of hearing as well. The matter was called twice by this Court today also but nobody has caused appearance on behalf of the petitioner, therefore this Court would proceed on the basis of the pleadings and with the assistance of the learned State counsel even in the absence of the learned counsel for the petitioner.

The present petition has been filed by the father of the aforesaid minor

Kuldeep Kaur by stating that she is in illegal custody of private respondents including respondent No. 4 namely Shamsher Singh. However, the learned State counsel has stated, on instructions from ASI Devinder Singh, that the aforesaid Kuldeep Kaur is not minor as of today because her date of birth is 27.04.2004 and she has attained the permissible age of marriage. He submitted that in the FIR which was registered against the respondent No.4 under Sections 363, 366-A, 120-B IPC, she had deposed before the learned trial Court and had given a statement on 03.08.2022 that she had voluntarily married with the respondent No. 4 against the wishes of her parents and she is happy with her husband. Learned State counsel has further submitted on instructions that the aforesaid Kuldeep Kaur and respondent No. 4 are also blessed with a child and they are now residing happily.

In view of the aforesaid factual position, the aforesaid detenue cannot be stated to be in any illegal custody as of today. Consequently, finding no merit in the present petition, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

December 13, 2022

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