

207 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-11729-2022
Date of decision 22.12.2022

JITENDER

...PETITIONER

VERSES

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. L.K. Gollen, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G. Haryana.

SANJAY VASHISTH, J (Oral):

Mr. Karan Singh, Advocate has put in appearance on behalf of
respondent Nos.4 to 6 and filed his Vakalatnama.

In pursuance of order dated 13.12.2022, the learned State
counsel has filed status report by way of affidavit of Deputy
Superintendent of Police, Jind-Law and Order, District Jind on behalf of
respondent Nos. 1 to 3. The same is taken on record.

Registry is directed to tag the same as appropriate place.

Para No.3, 4 and 5 of the status report are reproduced here
under:-

“3. That on 15.12.2022, the alleged detainee namely Payal
daughter of the petitioner at her own visited at Police Station City
Jind. Her statement was recorded by Station House Officer, Police
Station City Jind, who made statement that on 04.12.2022, her

parents had performed her marriage with Harish son of Chandi Ram, resident of Sector-6 Jind, but she was not happy from this marriage. On 10.12.2022, she without informing to her family members came at Chandigarh with Vijay son of Ram Niwas, resident of Saini Basti, Jind and filed CRWP No. 11712 of 2022 titled Payal and another Vs State of Haryana and others for seeking therein grant of protection of their life and liberty. She further deposed that nothing wrong act has been done with her and after attaining majority, she shall perform marriage with aforesaid Harish. A copy of the statement of Payal is being annexed as Annexure R-2 for kind perusal of this Hon'ble Court.

4. That from the records it has also been found that on 11.12.2022, on the complaint of the petitioner- Jitender, a case FIR No.658 dated 11.12.2022 u/s 363, 366 IPC was registered at Police Station City Jind, District Jind against aforesaid Vijay son of Popa, Q4. resident of Sind for enticing his minor daughter (date of birth 22.04.2005) on the pretext of marriage. Investigation of this case is being conducted by ASI Navjeet Singh of Police Station City Jind. On 13.12.2022, during the course of investigation of the case relevant records pertaining to date of birth was procured, according to which her date of birth is 22.04.2005. A copy of the birth certificate of Payal is being annexed as Annexure R-3 for kind perusal of this Hon'ble Court.

5. That on 15.12.2022, statement u/s 164 Cr.P.C. of Payal was recorded by Chief Judicial Magistrate, Jind by which she expressed her desire to perform marriage with aforesaid Vijay. On the same day i.e. 15.12.2022, she was produced before the Child Welfare Committee, Jind and her statement was also recorded by Child Welfare Committee, Jind. In compliance of the orders of the Child Welfare Committee, Jind, the alleged detainee namely Payal-daughter of the petitioner has been left in Kalam Bal Ashram, Jind. A copy of the statement u/s 164Cr.P.C. and order/ Ref. No.6018/CWC/ Jind dated 15.12.2022 are being annexed as Annexure R-4 and R-5, respectively for kind perusal of this Hon'ble Court. At present the alleged detainee namely Payal is staying in Kalam Bal Ashram, Jind.”

By referring to the statement recorded under Section 164

CR.P.C., learned State counsel points out that the detainee does not want to

stay with her parents as they have forcibly married her to one Harish. In

fact she likes Vijay-respondent No.4 who is her friend. She wants to marry with said Vijay after completing her age.

In this way of situation, learned State counsel also points out that since alleged detainee was aged 17 ½ years, she has been sent to Nari Niketan, Kalam Bal Ashram, Jind.

In view of the reasoning taken by the learned State counsel and in his reply in status report as reproduced here above, nothing is left for the Court to decide for handing over the custody of the petitioner at this stage.

Accordingly, the present petition stands disposed of.

22.12.2022
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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No