

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

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**CRWP-11804-2022 (O&M)
Decided on : 23.01.2023**

Majid and another

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioners.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

As per status report dated 17.01.2023 filed by respondent-State, detenu Gulpasa, being major, has solemnized marriage with Shehrun s/o Sabbir (respondent No. 4).

Relevant paragraphs No. 7 to 10 of status report dated 17.01.2023 are reproduced here-in-below:

“7. That the detenu Gulpasa got recorded her statement before the Ld. CJM, Gurugram on 05.01.2023 to the effect that she is a major having date of birth 13.01.2004. She solemnized marriage with Sahrn S/o Sabbir R/o Kiranki on 29.11.2022 as per Muslim rites and ceremonies. The marriage was got solemnized by the Kazi namely AfaatAlam. After marriage, she is happily residing with her husband Sahrn. She further stated that her parents are not happy with the marriage and they are harassing them by filing false complaints. She had earlier recorded her statement u/s 164 Cr.PC. before the Ld. Magistrate, Sohna. She also stated that she wants to live with Sahrn.

8. That on 05.01.2023, the counsel of the petitioners appeared before the Ld. CJM. Gurugram and told that they cannot attend the Hon'ble Court as they are

attending a death ceremony. Thereupon, the notice was issued to the petitioners by the Ld. CJM, Gurugram for 07.01.2023.

9. That the petitioners appeared in the Ld. Court on 07.01.2023. However, the Ld. CJM, Gurugram was on leave. Thereafter, the matter was put up before the Ld. ACJM, Gurugram. The statement of SI Satyawar, Police Post Nimoth, Gurugram wherein he stated that he gave notice to the parents of the detenue to appear in the Ld. Court, upon which they came outside the Court Room but they did not enter in the Court Room and went away. On being contacted, their mobile phones were found to be switched off. After some time, when he again contacted them, Majid picked up the call and told that they are going and they will not come to the Court. L/ASI Shakuntala also asked them to get their statements recorded but they flatly refused for the same. The counsel for the petitioners also stated that his clients Majid and Mubina did not come to the Court. They picked up the call made by him and told that they have no concern with the girl. Thereafter, their mobile phone was switched off. Thereafter, the matter was fixed by the Ld. ACJM, Gurugram for 09.01.2023 for consideration.

10. That it is pertinent to mention here that the detenue Gulpasa had also appeared in the Court of Ld. ACJM. Gurugram on 07.01.2023. However, as mentioned above, her parents i.e. the present petitioners did not meet her and they did not get their statements recorded. Thereafter, as the detenue is a major, she was set free to live as per her own wishes. Now, she is residing with her husband Sahrin.”

To confirm the stand taken by respondents No. 1 to 3 in their status report, one report has been forwarded by learned Chief Judicial Magistrate, Gurugram vide letter No. 25 dated 12.01.2023 and same is

already on record.

In view of the fact that as per the status report submitted by respondents No. 1 to 3 and the report forwarded by learned CJM, Gurugram, alleged detainee Gulpasa has solemnized marriage with respondent No. 4 with her own free will and wish, therefore, she cannot be alleged to be in illegal detention and there is nothing left for this Court to decide anything more in the present petition.

Hence, present petition stands dismissed.

(SANJAY VASHISTH)
JUDGE

23.01.2023

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*