

268 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-3987-2024  
Date of Decision: 03.05.2024

Manish Kumar ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lakhwinder Singh Mann, Advocate  
for the petitioner.

Mr. Kanav Bansal, AAG, Punjab.

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ANOOP CHITKARA, J.

Protesting against the illegal detention of Riea with whom Manish Kumar (present petitioner) had married on 12.04.2024 at Arya Samaj Mandir, Dadri Gautam Budh Nagar, U.P., petitioner had come up before this Court seeking her release.

2. Pursuant to notice issued by this Court, petitioner along with detenue/Riea is present in Court. State counsel on instructions of SI Palwinder Singh, submits that statement of the detenue was recorded wherein she stated that the matter has been resolved and now her parents are ready to solemnize her marriage as per rituals.

3. Counsel for the petitioner referred to the order dated 25.04.2024 passed by the Coordinate Bench of this Court, which reads as follows:-

- “1. Petitioner No.1 - Riea aged about 18 years and petitioner No.2 - Manish Kumar aged about 24 years have approached this Court seeking issuance of a direction to official respondents to protect their lives and liberty as they apprehend threat to the same at the hands of private respondents, having married against the wishes of their families.*
- 2. Without commenting anything as regards the veracity of the averments made in the petition or as regards the validity of alleged marriage or age of the petitioners, the petition is disposed of with a direction to respondent No.2 Senior Superintendent of Police, SAS Nagar to look into the matter and to dispose off the representation dated 24.4.2024 (Annexure P-5) in accordance with law. In case, it is found that there is a genuine threat to the lives and liberty of the petitioners, then necessary steps warranted under law be taken thereupon at the earliest so as to ensure that no harm is caused to the petitioners.*
- 3. A copy of this order alongwith copy of the representation dated 24.4.2024 (Annexure P-5) be sent to respondent No.2*

*Senior Superintendent of - Police, SAS Nagar so as to enable him to do the needful expeditiously.*

*4. It is, however, clarified that the aforesaid order shall not be taken to be any expression as regards the validity of marriage or age of the petitioners and shall not confer any immunity upon the petitioners, in case it is found that they have committed any wrong."*

4. He further submits that detainee Riea is major and legally wedded wife of petitioner and as per his instructions, she is under pressure of private respondents and whichever statement is made that is under pressure of parents.
5. Given the submission of counsel for the petitioner, Ms. Ramandeep Kaur Sihag, Advocate, who is present in Court, is appointed as legal aid counsel on behalf of detainee-Riea and given sufficient time to interact with her. Counsel had interacted with Riea and submitted that detainee wants to go with the petitioner-Manish Kumar with whom she had married and she is not willing to go to her parents.
6. Given above, no further orders are required to pass in the present petition and the same is disposed of. Detainee is at liberty to go with her husband/petitioner as she is major and legally wedded wife of petitioner.
7. Since, this Court is dealing with the habeas corpus petition and there is no record available qua the marriage of the petitioner and her age on record except the order passed by the Coordinate Bench, as such, it would be better to get the statement of detainee recorded before Illaqa/Duty Magistrate. Let the investigator produce her before Magistrate on 04.05.2024 at 12 AM for recording her statement and the concerned Magistrate shall take decision after recording her statement in accordance with law.
8. *There would be no need for a certified copy of this order, and any Advocate for the Petitioners and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

Petition is disposed of to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

03.05.2024  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.