

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Habeas Corpus Petition No.10 of 2026

Sunil Kumar

..... Appellant

Vs.

State of Uttarakhand

..... Respondent

Present:

Mr. Deepak Joshi, Advocate for the appellant.

Mr. J.S. Virk, A.A.G. with Mr. Deepak Bhardwaj, Brief Holder for the State of Uttarakhand.

Coram: Hon'ble Ravindra Maithani, J.
Hon'ble Siddhartha Sah, J.

Hon'ble Ravindra Maithani, J. (Oral)

In this *habeas corpus* petition, the petitioner seeks *corpus* of the respondent no.3.

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that he and the respondent no.3 were in relationship and wanted to marry; They filed an application under the Special Marriage Act, 1954; when they visited the office of concerned officer, the family member of the respondent no.3, i.e. the respondent no.4, the father of the respondent no.3, illegally detained her.

4. On 08.05.2026, this Court had directed the police to record the statement of the girl by sending a woman officer, but it was revealed to the Court that the statement of the respondent no.3 could not be recorded as, when the police reached at the house of the respondent no.4, he did not allow the Police to meet the respondent no.3. It is under those circumstances that on 18.05.2026, this Court had directed the Senior Superintendent of Police, Nainital, to coordinate with the concerned Police of District

Bareilly and ensure that the *corpus*/respondent no.3 is produced before this Court.

5. Today, the respondent no.3/*corpus* has been produced before us by lady Police Constable LC 116 Anita of Police Station Lalkuan. The Court interacted with the *corpus*/respondent no.3. She revealed that she is 21 years of age; she was doing her final year in Auxiliary Nurse and Midwife course, but her family members stopped her education now. For a while, her parents took her to District Budaun, where she stayed, but again they went back to their village Milak, Tehsil Awala, District Bareilly.

6. The Court pointed a question to the respondent no.3 as to whether she was willingly staying with her parents or she had been forced to stay with them? In answer to it, she states that she does not want to stay with her parents. She wants to stay with the petitioner. According to her, they had filed an application for marriage, but her father forcibly took her away to his house.

7. Records have been filed to reveal that the respondent no.3/*corpus* is major. She does not want to stay with her parents. She wants to stay with the petitioner.

8. The respondent no.3 is free to go wherever she wants to go. The *habeas corpus* petition, as such, stands disposed of, accordingly.

9. Learned counsel for the petitioner submits that in future, the family members of the respondent no.3 may try to harm the petitioner. He seeks liberty to approach Police Station Lalkuan as and when such apprehension arises.

10. The petitioner is always free to approach the concerned police in case he apprehends threats at the hands of

either the family members of the respondent no.3 or any other person.

(Siddhartha Sah, J.)

26.05.2026

(Ravindra Maithani, J.)

Ravi Bisht