

CRWP No. 1216 of 2015
DECIDED ON: MAY 19, 2016

.....PETITIONER

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Nihal Singh, Advocate for
Mr. Munish Gupta, Advocate
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of this criminal writ petition preferred under Article 226 of the Constitution of India, Balwant Singh-petitioner has sought a writ in the nature of Habeas Corpus directing respondents No.1 to 3 to get release or produce the detenue mentioned in para No.2 of the writ petition from the illegal custody of respondents No.4 and 5.

2. In pursuance of notice of motion issued by this Court reply/status report by way of an affidavit of Harvinder Singh Virk, PPS, Deputy Superintendent of Police, Rural, Patiala has been filed. Para Nos. 5 to 7 of the reply/status report are relevant for the disposal of instant writ petition, which

reads as under:-

“5. That during the investigation of this case the attested copy of birth Certificate of Victim girl Renu was obtained on 10.08.2015 from the office of Civil Surgeon, Patiala in which her date of birth is written as 01.06.1997 and according to that she is more than 18 years, so no arrest in this case was made.

6. That on 11.08.2015 the girl was produced before Ld. Court of Sh. Kamal Varinder JMJC Patiala where her statement u/s 164 Cr.P.C. was got recorded by the Ld. Court after applying the copy of above statement u/s 164 Cr.P.C. has got obtained from the Ld. Court as per this statement girl Renu has clearly got recorded to the Ld. Court that on dated 04.08.2015 she had gone with Dharminder Singh with her consent and also made physical relation with him with her consent and Tinka had slapped her due to this why she had done this bad act. Her parents has blamed wrongly to Dharminder Singh and Tinka. Her parents and her cousin brother namely Laddo her uncle (Chacha) Nirmal Singh and her brothers namely Kanwaljit Singh and Gurjant Singh has beaten her very much and also tied her with the ropes and meal has also not given to her because they wanted to convince her to give wrong statement against Dharminder Singh. She has given statement to the police due to pressure and under compulsion she also told the Ld. Court that she has danger from her parents and relatives so Ld. Court had ordered to sent her at State Protective Home Jalandhar and after her discharge from Rajindra Hospital Patiala on 12.08.2015 she was sent to State Protective Home Jalandhar by ASI Nirmal Kaur.

7. That as per the order dated 14.08.2015 passed by this Hon'ble Court the girl Renu was produced before this Hon'ble Court on 18.08.2015 and as per the order dated 18.08.2015 vide which this Hon'ble Court has allowed her to go with her sister namely Amandeep Kaur after her release from Nari Niketan and till then she is living with her sister Amandeep Kaur.”

3. A glance at the afore-said paragraphs makes it crystal clear that during investigation of this case, the police obtained birth certificate of the detainee from the office of Civil Surgeon, Patiala. According to which her date of birth is June 01, 1997 meaning thereby, that she is more than 18 years of age. Subsequent thereto, on August 11, 2015 the girl was produced before Judicial Magistrate Ist Class where her statement under Section 164 Cr.P.C was recorded. According to which she opted to accompany and live with her sister Amandeep Kaur and accordingly, she was allowed to stay with her sister.

4. In view of the above-said facts and circumstances, instant criminal writ petition has been rendered infructuous and is disposed of, as such.

5. However, if petitioner still feels aggrieved, he can have recourse to the other remedies available to him under law.

MAY 19, 2016
sham

(JASPAL SINGH)
JUDGE