

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.1509 of 2015

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Date of decision:4.2.2016

Kamal Rani

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vaneet Kumar Sharma, Advocate for the petitioner.
Mr. Himmat Singh, Assistant Advocate General, Haryana for
the respondents No.1 to 4.
Mr. Robin Bansal, Advocate for respondent No.5.

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Inderjit Singh, J.

This criminal writ petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of Habeas Corpus for release of detinue Miss Sona Bai, daughter of the petitioner-Kamal Rani from the illegal custody of respondent No.5.

Notice of motion has been issued in this case.

Mr. Himmat Singh, learned Assistant Advocate General, Haryana, has put in appearance on behalf of respondents No.1 to 4 and Mr. Robin Bansal, learned Advocate has appeared on behalf of the respondent No.5 and contested this petition.

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I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Haryana and learned counsel for respondent No.5 and have gone through the record.

From the record, I find that as per the reply of the State Government filed on behalf of respondents No.1 to 4, the FIR No.18 dated 11.11.2015 has been registered for the offence under Section 365 IPC at Women Police Station, Panchkula. Detenue Sona Bai was recovered from Village Rampura, District Sagar, Madhya Pradesh on 18.12.2015 and was produced before the learned Illaqa Magistrate on 19.12.2015. The statement of the detenue was also recorded under Section 164 Cr.P.C. before the Illaqa Magistrate. In her statement, she stated that she had gone to Delhi without informing anyone of her family. From Delhi she went with Anil to his native place Village Sagar (Madhya Pradesh) on 15.9.2015. She further narrated that she got married with Anil and now she wants to live with him. Sona Bai was got medico-legally examined and as per medical examination, she is pregnant for two months.

Keeping in view the reply of the State and also the copy of the statement of the detenue placed on record, which was got recorded before the learned Illaqa Magistrate, in no way, the detenue can be held as illegally detained by respondent No.5. As per the detenue, she is married with respondent No.5-Anil and wants to reside with him.

Therefore, as the detenue has not been illegally detained, rather, as per her statement, she was residing with Anil as his wife, hence no further action is required to be taken in this case. Therefore, this criminal writ

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petition is dismissed.

However, the petitioner is at liberty to avail whatever remedy available to her.

February 4, 2016.

(Inderjit Singh)
Judge

hsp