

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

CRWP No.1763 of 2015 (O&M)

Date of decision: February 11, 2016

Fakardeen and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sunil Agnihotri, Advocate for the petitioners.

Ms. Shivali, AAG, Punjab, for the respondent(s)-State.

Mr. Mohd. Salim, Advocate for respondent No.7.

INDERJIT SINGH, J

This petition has been filed by the petitioners under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to set free the detainee namely Vani from the illegal custody of respondents No.6 and 7.

Today, detainee Vani has appeared in the Court and states that she had married with Munnu (respondent No.6) and is residing with him as his wife. She further states that she has not been illegally detained by anybody and she wants to reside with Munnu in village Payal, Tehsil Payal, District Ludhiana at her own will.

Learned counsel for the petitioners argues that the detainee and respondent No.6 have sought the protection from this Court by relying on forged documents. However, both the parties are at variance regarding the age of the detainee. The detainee, who is present in the Court, states that she is 18 years old, whereas,

learned counsel for the petitioners states that age of the detenue is about 15 years 7 months.

In a petition for Habeas Corpus, the Court has only to see, whether the detenue has been illegally detained against his/her wishes or not.

In view of above, in no way, it can be held that the detenue has been illegally detained by respondents No.6 and 7, rather, detenue, who is present in the Court, states that she is residing with Munnu as his wife at her own consent.

Accordingly, no further action is required to be taken in this petition.

Disposed of accordingly.

However, as regarding the other remedies available with the petitioners, they can avail the same, as per law.

February 11, 2016
rajesh.k.khurana

(INDERJIT SINGH)
JUDGE