

CRWP No.1069 of 2016

[1]

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

Sr. No. 253

CRWP No.1069 of 2016

Date of decision: September 15, 2016

Aabid Khan

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. D.K. Sharma, Advocate for
Mr. Mohammad Arshad, Advocate,
for the petitioner.

Mr. Parveen Aggarwal, DAG, Haryana.

JASPAL SINGH, J.

This is a Criminal Writ Petition under Article 226 of the Constitution of India preferred by petitioner-Aabid Khan for issuance of a writ in the nature of Habeas Corpus for issuance of direction to respondent Nos.1 & 3 to produce/release detenue (Sarjina wife of the petitioner) from the illegal custody of respondent Nos.4 to 6.

Notice of motion was issued vide order dated August 08, 2016.

Reply by way of affidavit of Yad Ram, HPS, Deputy Superintendent of Police, Ferozepur Jhirka filed on behalf of respondent Nos.1 to 3 is taken on record.

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A perusal of the reply (preliminary submissions) reveals that Sh. Rukmudin s/o Subedin caste Meo r/o Musakheda, Police Station Kishangarh, District Alwar (Rajasthan) made a complaint to the police that accused-petitioner enticed his minor daughter (Sarjina) and committed rape upon her, regarding which FIR No.344, dated July 01, 2016, under Sections 363, 366-A & 376 IPC and Section 3/4 Protection of Children from Sexual Offences Act, 2012 was registered at Police Station Kishangarh, District Alwar (Rajasthan). The petitioner and Sarjina had performed marriage and preferred a CRM No.M-22332 of 2016, under Section 482 Cr.P.C. for grant of protection, which was allowed by this Court vide order dated July 08, 2016. Consequently, the petitioners were granted protection by the Superintendent of Police, Mewat and were allowed to stay in safe house at Nuh. However, in compliance of production warrants issued by the Sessions Court, Alwar (Rajasthan), petitioner and Sarjina were produced there. Thereafter, statement of Sarjina under Section 164 Cr.P.C. was recorded. Sarjina specifically stated that she is 19 years old and has solemnized the marriage with petitioner-Aabid according to Muslim rites and rituals.

A perusal of reply on merits reveals that after receiving the notice of the present petition, an inquiry was conducted by the local police. Petitioner had joined the inquiry proceedings and he has categorically stated in his statement (Annexure R-1) that Sarjina has solemnized the marriage with the petitioner and she is now residing with her parents in Kishangarh (Rajasthan).

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Taking into consideration all the aspects of the matter and the reply filed by the official respondents, no further action is required in the instant petition and the same has been rendered infructuous.

Petition is dismissed as having been infructuous.

September 15, 2016

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**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No