

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

CRWP No.1329 of 2016

Date of decision: October 06, 2016

Vikas Kumar

...Petitioner

Versus

Sate of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Randhawa, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition under Article 226 of the Constitution of India, petitioner has sought issuance of writ in the nature of Habeas Corpus directing respondents No.1 to 3 to secure the release of detainee-Sunita Kumari from the illegal detention of respondents No.4 to 22 and for further direction to appoint Warrant Officer to secure the immediate release of the detainee.

No doubt, a protection petition was earlier filed by the petitioner and Sunita Kumari, alleged detainee in which the following order was passed:-

“Petitioners claim that they having attained majority and have married against the wishes of their family members. Apprehending threat to their life and liberty, they have approached this Court for protection.

Notice to the respondents for 29.09.2016.

Meanwhile, in case no preliminary case has been registered till date, petitioners will not be forcibly taken in custody by any of the respondents on the allegation that petitioner No.1 has been kidnapped, abducted or raped by petitioner No. 2.”

Prior to the passing of the order, a complaint was filed by Bansi Lal, father of Ms. Sunita Kumari on the basis of which FIR No.484 dated 18.08.2016, under Sections 363, 366-A and 346 IPC was registered at Police Station Fatehabad. After the registration of the said case, Sunita Kumari as well as the present petitioner were arrested and produced in the Court. Sunita Kumari made a statement before the City Magistrate. Subsequent thereto, statement of Sunita Kumari was recorded under Section 161 Cr.P.C. in pursuance of which, she was sent to Nariniketan for safe custody, however, her custody was handed over to her father Bansi Lal on 6th September, 2016 in pursuance of the orders passed by the Chief Judicial Magistrate. The custody of Sunita Kumari with the father or any other person on his behalf cannot be said to be illegal and in the circumstances, the instant petition is not maintainable.

Dismissed.

October 06, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No