

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

CRWP-156 of 2017

Date of decision: 16.02.2017

Umesh

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

Mr. Munfaid Khan, Advocate
for respondents No.4 to 7.

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DEEPAK SIBAL, J.(ORAL)

The present petition has been filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of habeas corpus, directing respondents No.1 to 3 to produce and release the detenue-Poonam Sharma, who allegedly is the wife of the petitioner.

In pursuance to the notice of motion order dated 08.02.2017, the detenue-Poonam Sharma has been produced who has got recorded her statement on oath that she is a major; got married to the petitioner on 14.01.2017 on her free will; was by force being kept by her parents and that she wants to live with the petitioner-her husband. Her statement is taken on record as mark X.

In view of the above, the detenue-Poonam Sharma is now free to accompany her husband.

Learned counsel for the petitioner expresses apprehension to the life and liberty of the petitioner and the detenue and therefore prays that

both of them be granted adequate security firstly to go from Chandigarh to Nuh and thereafter at Nuh.

In view of the apprehension expressed by learned counsel for the petitioner and the reason that about eight to nine family members of the detainee-Poonam Sharma were present in Court at the time of hearing, the Senior Superintendent of Police, Chandigarh is directed to ensure that the petitioner and the detainee remain secure in the protection/shelter home in Chandigarh till the morning of 17.02.2017 on which date they be ensured safe passage to Nuh where they be handed over to Superintendent of Police, Nuh, who would assess the threat perception to them and accordingly take steps in accordance with law to ensure protection of their life and liberty.

A copy of the order be handed over to counsel for the parties as also to Ms. Ashima Mor, Addl. Public Prosecutor, UT, Chandigarh for onward transmission to the Senior Superintendent of Police, Chandigarh for compliance.

So far as directions issued to the Superintendent of Police, Nuh, are concerned, Mr. Sandeep Vashisth, DAG, Haryana who is present in Court ensures that intimation with regard to the passing of this order would be communicated to the Superintendent of Police, Nuh by 10 a.m. tomorrow i.e.17.02.2017.

The petition stands disposed of in the above terms.

February 16, 2017
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(Deepak Sibal)
Judge

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No