

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

Sr. No.269

CRWP No.244 of 2017

Date of decision: 16.03.2017

Manoj @ Monu

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana
for respondents No.1, 3 to 5-State.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India, seeking the issuance of a writ in the nature of Habeas Corpus for releasing the detenue-Rajni daughter of Mahabir Singh, who is stated to be illegally detained in the Nari Niketan, Rohtak.

As directed, the aforesaid Rajni daughter of Mahabir Singh, who is identified by the ASI Basanti Devi, has been produced before the Court by the State and she has stated that she is a major and that on her own free will and consent wishes to live with the petitioner and not in the Nari Niketan, Rohtak. She has further stated that since she has run away from home to join the company of the petitioner, she apprehends threat to her and the petitioner's life at the hands of her parents/relatives.

Learned counsel for the petitioner as also the detenue have produced the school transfer certificate of the detenue-Rajni as per which,

on record as Mark 'A'.

The State has not disputed that the detenue-Rajni is of 21 years of age as claimed by her and the petitioner.

In view of the above, in my opinion, the detenue-Rajni daughter of Mahabir Singh, being major, is being illegally detained at the Nari Niketan, Rohtak and is free to join the company of the petitioner from this Court itself.

So far as the apprehension expressed by her with regard to the danger to her and the petitioner's life and liberty at the hands of her parents/relatives is concerned, the detenue-Rajni and the petitioner are directed to appear before the Commissioner of Police, Gurugram, on 17.03.2017 at 10.00 a.m., who in turn is directed to consider the threat perception expressed by the detenue and then take effective steps, in accordance with law, to ensure the protection of the petitioner's and the detenue's life and liberty. Learned State counsel undertakes to inform the Commissioner of Police, Gurugram with regard to the passing of this order.

It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any, committed by them.

(DEEPAK SIBAL)
JUDGE

March 16, 2017
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(i) Whether speaking/reasoned Yes/No
(ii) Whether reportable Yes/No