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

CRWP No.416 of 2017
Date of Decision: 26.04.2017

Naveen Sahota

.....Petitioner

Vs

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. M.S. Rana, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

On 13.04.2017, notice of motion was issued to respondents No.1 to 3. Thereafter, on 20.04.2017, Sunita Rani was ordered to be produced in Court from the protection home.

Petitioner has filed this petition in the nature of Habeas Corpus for the release of detainee namely Sunita Rani from the illegal custody of respondents No.4 to 6. Statement of Sunita Rani was recorded by the police on 15.04.2017 (though no such date has been mentioned in the statement attached with the reply) in which she has admitted her love affair with the petitioner and she wants to marry with the petitioner. When this fact was told by her to her parents, they became annoyed and

curtailed her movements. She apprehended danger from her parents and prayed for protection before police. Similarly, statements of Leela Devi (mother of detainee), Amrit Lal (father of detainee) and Malkit Singh (uncle of detainee) were also recorded in which they have admitted that the detainee is major and they do not have any objection to her wish. They have deposed in unison that they will not take her back in their house.

Since, Sunita Rani is major and she cannot be kept in Nari Niketan or protection home against her wishes in view of **Neetu vs State, 1999(3) RCR (Criminal) 26 (Delhi).**

In view of attending circumstances of the case, let the detainee be released forthwith and she may go to the place of her own choice.

Disposed of.

However, the police is directed to ensure the wish of the girl. In case she is willing to accompany the petitioner, then she may be allowed to go with the petitioner forthwith.

April 26, 2017

jyoti Y.

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No