

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

245

CRWP-956-2017

Date of Decision: 06.11.2017.

Suresh Kumar

....Petitioner.

Versus

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Wazir Singh, Advocate, for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana, for respondents No.1 to 3.

H.S. Madaan, J.(Oral)

Petitioner-Suresh has filed this petition for issuance of a writ in the nature of Habeas Corpus directing respondents No.2 and 3 to release detenue Smt. Poonam, legally wedded wife of petitioner, allegedly in illegal and wrongful custody of respondents No.4 to 7.

On filing of the petition, vide order dated 17.08.2017, while issuing notice of motion, a direction was issued to Superintendent of Police, Karnal (respondent No.2) to get the residential premises of respondents No.4 to 7 searched so as to locate alleged detenue Smt. Poonam and if she was found to be in their illegal custody to get her released immediately and her statement be also recorded. It was further directed that if Poonam was recovered then her present in the Court be caused. However, she could not be recovered as a result of search. Official respondents have filed written

reply to the petition contending therein that statements of respondents

No.4,5, 6 and father of respondent No.7Ranjit @ Simru was recorded in which they had stated that Poonam had solemnized marriage with Suresh son of Desraj, resident of village Bhaini Kalan in the year 2003. Poonam stayed with Suresh till 2014. The couple was not blessed with any child. On 12.12.2014, Poonam came to their house and on 01.01.2015 she left the house without telling anybody. Asha (respondent No.4) has got registered F.I.R. No.31 dated 10.01.2015 under Section 365 IPC, at Police Station City, Karnal. They had come to know that Poonam had gone alongwith Rinku son of Ranjit, resident of Jhangari, Police Station Sadar, Karnal, however, their whereabouts are not known till date.

Learned State counsel has submitted that in F.I.R. No.31 dated 10.01.2015 under Section 365 IPC, alleged detinue Poonam had furnished an affidavit that after the marriage, her husband Suresh used to give her beatings on account of demand of dowry and she was turned out of the matrimonial home, as such she went with Rinku @ Vikram out of her free will and consent. Copy of that affidavit has been placed on file. Thereafter, in view of statement made by complainant in that case, who is respondent No.4 herein, cancellation report was prepared, which was filed in the Court and was accepted as per instructions issued to him by ASI Krishan Lal from Police Station Taraori, District Karnal.

Under the circumstances, no further action in the matter is called for. The petition stands disposed of accordingly.

(H.S. MADAAN)
JUDGE

06.11.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No