

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CrI. W.P. No. 831 of 2018 (O&M)

DATE OF DECISION:29.10.2018

Ajay Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Nakul Sharma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of habeas corpus to release detainee-Suman Nag, who is confined in Children Home for Girls, Jalandhar as per order dated 11.9.2018 passed by Sub Divisional Magistrate, Jalandhar-I, District Jalandhar.

Notice of motion in the case was issued on 11.10.2018 and SHO, Police Station Division No.2, Jalandhar was directed to ensure the presence of alleged detainee, namely, Suman Nag today before this Court.

Petitioner and alleged detainee-Suman Nag are present in Court today.

Learned counsel for the petitioner contends that the alleged detainee, namely, Suman Nag was kept as maid servant at the instance of

respondent No. 6 after completing all the formalities and the petitioner is treating the alleged detainee as his daughter as not only she is being looked after by the family but she is also happy in the house of the petitioner. A proper care is also being given to the girl.

Alleged detainee, namely, Suman Nag is present in Court and she has been heard in person not only in the Court room but in the chamber also. She has stated that she is happy with the petitioner's family and she is being looked after by the petitioner and his family members. She is interested to remain with the family of the petitioner.

Petitioner-Ajay Kumar, who is also present in Court submits that just to show his bona fide, he is ready to deposit an amount of Rs. 1 lac in the shape of Fixed Deposit in the name of Suman Nag and also undertakes to pay an amount of Rs. 8000/- per month, which shall be deposited in the saving bank account, which shall be opened in the name of Suman Nag. It has also been undertaken by the petitioner that in case the girl Suman is interested in visiting her village, she is at liberty to go with her family members.

Learned counsel for respondent-State on instructions from ASI Paramjit Kumar has produced the photocopy of aadhar card of the alleged detainee, wherein, her date of birth has been mentioned of the year 2000, which shows that she is approximately 18 years as on today. Learned State counsel submits that just to protect the future of the girl, she be got admitted in some vocational course.

Heard the arguments advanced by learned counsel for the parties and have also gone through the documents available on the file.

Keeping in view the submissions made by learned counsel for

the parties as well as hearing the detenue in person and also the undertaking given by the petitioner, alleged detenue, namely, Suman Nag is directed to be released from Children Home for Girls after completing all the formalities. The petitioner is also directed to deposit an amount of Rs. 1 lac in the shape of fixed deposit in the name of Suman Nag, which shall be encashed by her after a period of two years. It is also directed that in case Suman Nag is interested to join some vocational course, she be got admitted as per her aptitude. It is also made clear that detenue can reside with the petitioner and his family till she is interested in remaining there with her own consent and free will. In case the detenue wants to leave the house of the petitioner before expiry of period of two years, the detenue shall have no claim on the amount deposited in the Fixed Deposit and the same shall be refunded back to the petitioner.

Petition is disposed of with the said directions.

Copy of the order be given to counsel for the parties under the signatures of Special Secretary of this Court.

October 29, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No