

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-86-2019 (O&M)
Date of Decision:-6.2.2019

Abdul Gaffar ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. M.D. Khan, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

Mr. Inderjeet Singh, Advocate for respondents No.4 to 12

GURVINDER SINGH GILL, J.(Oral)

The petitioner Abdul Gaffar approached this Court seeking issuance of a writ in the nature of habeas corpus directing the official respondents to search for and to produce the detainee Shareena, daughter of the petitioner, allegedly detained by respondents No.4 to 12.

Vide order dated 22.1.2019, a Co-ordinate Bench of this Court had directed SHO, Police Station Raipur Rani, District Panchkula to visit the residence of respondents No.4 to 12 and to inquire if the detainee Shareena has been detained illegally and forcibly and in case it is found that she has been forcibly detained then to produce the detainee before this Court.

Report by way of affidavit of Sh. Mahmood Khan, Inspector/SHO, Police Station Raipur Rani, Panchkula has been filed by

learned State counsel today in Court, which is taken on record, wherein it has been deposed that pursuant to directions issued by this Court efforts were made to locate the alleged detainee but she could not be found. It is also mentioned therein that infact FIR No.148 dated 21.11.2018 registered at Police Station Raipur Rani under Sections 363, 366-A and 120-B of Indian Penal Code, 1860 already stands lodged against Islam son of Gaffar at instance of the complainant, wherein it has been alleged that his daughter Shahreena, aged 15 years old, had been enticed away by the accused. It is also deposed therein that during the course of investigation, an order dated 4.1.2019 has also been passed by this Court in CRM-M-41-2019 directing the Superintendent of Police, Panchkula to look into the representation of the petitioners (petitioners of the said case) and to provide protection to the petitioners.

Today, learned counsel representing respondents No.4 to 12 has shown a copy of order dated 4.1.2019, which shows that Shahreena and Islam had approached this Court seeking protection while asserting that they had solemnized 'Nikah' on 22.11.2018 against the wishes of their parents and this Court consequently had directed the Superintendent of Police, Panchkula to look into the representation filed by the petitioners.

In view of the aforestated facts, wherein it is noticed that FIR already stands registered against Islam and that despite efforts made by the police, the detainee could not be traced and that infact the detainee claims to have married Islam, no further direction is required to be issued in the present habeas corpus petition. The present petition stands disposed in above mentioned terms.

It is, however, made clear that the petitioner would be at liberty to avail of any other appropriate, efficacious remedy in case he has any grievance against the marriage of Islam with his daughter.

It is further made clear that this order is not to be construed as any protection to Islam in case he has committed any offence.

6.2.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No