

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-251-2019

Date of Decision: 02.05.2019

Sonu

.. Petitioner

Vs.

Sate of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vikash Garg, Advocate for the petitioner.

Mr. Sharad Kumar Yadav, DAG, Haryana.

...

Inderjit Singh, J.

This petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking issuance of appropriate directions to respondent No.3 to get release detenue Archana, from the illegal detention of respondent No.2.

Notice of motion was issued.

Learned State counsel has appeared on behalf of respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that detenue Archana is stated to have married with petitioner Sonu. She was minor at that time and her statement was recorded under Section 164 Cr.P.C. in the FIR against the present petitioner. She has been sent to Nari Niketan, Karnal as she was feeling threat to her life from her parents by the order of ld. Judicial Magistrate, 1st

Class, Hodal.

In the present petition, neither the order passed by the Magistrate has been challenged nor any application has been filed before the learned Magistrate for release of the detenue from the Nari Niketan. There is also nothing on the record to show that the detenue has filed any application for her release. As detenue Archana has been sent to the Nari Niketan by passing judicial order by learned Judicial Magistrate, the detention cannot be held as illegal. Furthermore, as already discussed, no application has been filed before the Judicial Magistrate, 1st Class, Hodal either by detenue Archana or by the present petitioner or by anybody else for her release. Therefore, in the proceedings, it will be determined by the Magistrate that the detenue has become major.

In these circumstances, this petition is dismissed. However, the petitioner is at liberty to prove before the learned Magistrate by producing document that detenue Archana is major and should be released from the Nari Niketan. If any such application is filed by the petitioner then Id. Judicial Magistrate shall decide it expeditiously as per law.

02.05.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No