

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

CRWP No.571 of 2019 (O&M)

Date of Decision: July 25, 2019

Abhijeet Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vineet Jakhar, Advocate
for the petitioner.

Mr.Deepak Sabharwal, Addl. Advocate General, Haryana
for the respondent-State.

Mr.Atul Nanda, Senior Advocate with
Mr.Gaurav Garg Dhuriwala, Advocate
for respondents No.5 to 8.

Mr.N.S.Shekhawat and Mr.Gaurav Mohunta, Advocates
for respondent No.9.

Mr.Mohan Jain, Senior Advocate with
Mr.Vikram Jain, Advocate
for respondent No.10.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition against State of Haryana and other respondents under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for getting released detenue Paramjit Singh, father of the petitioner, as well as his uncle Amardeep Singh from the illegal clutches of respondents No.4 and 8 to 13, who have abducted

them etc.

Notice of motion was issued. Learned State counsel as well as learned counsel for respective respondents appeared and contested the petition.

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

At the time of arguments, it has been brought to the notice of this Court that detainee Paramjit Singh has already been freed and no more detained by anybody, as submitted by learned counsel for the petitioner himself. It is only habeas petition and detainee, at the time of hearing, has already been released or freed, therefore, the proceedings of this habeas corpus petition have become infructuous.

The Hon'ble Supreme Court in ***Shafin Jahan vs. Asokan K.M.***

And others, 2018(5) RCR (Criminal) 855, has held as under:-

71. The schism between Hadiya and her father may be unfortunate. But it was no part of the jurisdiction of the High Court to decide what it considered to be a 'just' way of life or 'correct' course of living for Hadiya. She has absolute autonomy over her person. Hadiya appeared before the High Court and stated that she was not under illegal confinement. There was no warrant for the High Court to proceed further in the exercise of its jurisdiction under Article 226. The purpose of the habeas corpus petition ended. It had to be closed as the earlier Bench had done. The High Court has entered into a domain which is alien to its jurisdiction in a habeas corpus petition. The High Court did not take kindly to the conduct of Hadiya, noting that when it had adjourned the proceedings to issue directions to enable her to pursue her studies, it was at that stage that she appeared with Shafin Jahan only to inform the court of their marriage. How Hadiya chooses to lead her life is entirely a matter of her choice. The High Court's view of her lack of candour with the court has no bearing on the legality of her marriage or her right to decide for herself, whom she desires to live with or marry."

As the detainee has already been released, therefore, this

petition as having been rendered infructuous, stands dismissed. However, the petitioner/detenu are at liberty to avail appropriate remedies available to them, under the law.

As the main case is decided, therefore, criminal misc. application, if any, also stands disposed of.

July 25, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No