

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 621 of 2019

Date of Decision: 22.10.2019

Monu Rajput

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Munisha Gandhi, Sr. Advocate with
Mr. Viraj Gandhi, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Aditya Sanghi, Advocate
for respondents No. 4 to 6.

Mr. Sukhtej Singh Sandhu, Legal Aid Counsel, for the detainee

Mr. Rajiv Vij, A.P.P., U.T. Chandigarh.

MAHABIR SINGH SINDHU, J.

Present criminal writ petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ in the nature of Habeas Corpus to respondents No.1 to 3 for release of detainee from the custody of respondents No. 4 to 6.

Petitioner, detainee as well as respondents No. 4 to 6 are present in Court and duly identified by their respective counsel.

On 17.07.2019, while issuing notice of motion, this Court passed the following order:-

‘Learned counsel for the petitioner states that the petitioner was in live-in relationship with detainee Manish @ Neeshu and now, the detainee has been illegally detained by respondent Nos.5 and 6 at Hansi.

Notice of motion.

On the asking of the Court, Mr. Navdeep Singh, AAG, Haryana, has accepted notice on behalf of respondent(s)-State. A copy of complete paper-book be handed over to him during the course of the day. Respondent No.3-SHO, City Hansi Police Station, Bahadur Colony, Hansi, Haryana is directed to visit the addresses of private respondent Nos.5 and 6 and make enquiry as to whether detainee-Manish @ Neeshu is residing there with her own consent or has been detained by the private respondents illegally and forcibly. If respondent No.3-SHO finds that the detainee has been kept forcibly and against her wishes, then she be produced immediately before this Court. Otherwise, a detailed report be submitted on the date fixed.

Adjourned to 05.08.2019.

However, it is made clear that if this petition is found frivolous and the detainee is found residing with the private respondents as per her own consent, then very heavy costs shall be imposed.'

Thereafter, the case was adjourned from time to time. Today detainee with her free consent and without any pressure made a statement before this Court that she is willing to go with her parents i.e. respondents No.4 to 6 instead of living with the petitioner.

Faced with the stand taken by the detainee, learned Senior counsel for the petitioner does not wish to press the present petition any more, however, she stated that petitioner be allowed to meet the detainee in future with their free consent.

In response to the above submission, respondents No.4 to 6 stated that if the detainee is willing to meet the petitioner in a respectful

manner, then there would be no objection at their hands, but her safety and security be ensured.

In view of the agreed stand taken by both sides, present petition is disposed off with a direction to the Superintendent of Police, Hansi, to protect the life and liberty of the detainee as per law, if she feels any apprehension to that effect. It is clarified that in case the petitioner wants to meet the detainee in future, she should be intimated well in time and it would be appreciated if respondents No.4 to 6 are also informed about their meeting by the petitioner.

The detainee be released from Nari Niketan, Chandigarh, forthwith and she be allowed to accompany her parents i.e. respondents No.4 to 6 and their safety as well as security be ensured by the Chandigarh Police/ Haryana Police till their destination at Hansi, District Hissar.

[MAHABIR SINGH SINDHU]
JUDGE

October 22, 2019
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Whether speaking/reasoned	Yes/no
Whether reportable?	Yes/no