

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CR.W.P. No.665 of 2019
Date of Decision: 07.11.2019

Liyaqat Ali

...Petitioner (s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Deepak Kumar, Advocate for
Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. R.K. Singla, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Article 226/227 of the Constitution of India read with Section 482 CrPC is for directing the official respondents to release the daughter of the petitioner namely Robina aged about 17½ years from the illegal custody of respondent no.5 and to appoint a Warrant Officer to produce the detenue in Court.

On notice of motion having been issued, status report has already been filed by way of affidavit of Inspector Mukesh Kumar, S.H.O. Police Station Chhachhrauli (Yamuna Nagar), on behalf of respondents no.1 to 3.

As per the status report, SI Charanjeet Singh along with a lady police official had visited the address of respondent no.5 at Rajokheri on 05.08.2019 and the alleged detainee namely Robina, who is daughter of the petitioner, was found there. She was taken into police custody and produced before the Magistrate, Bilaspur with a request to record her statement. The alleged detainee made a statement under Section 164 CrPC, wherein she has stated that she wanted to go with her husband Jaiwinder and is not interested to go with her parents. A photocopy of the order dated 05.08.2019 passed by Judicial Magistrate Ist Class, Bilaspur is attached with the status report, whereby learned Magistrate has reported that while recording her statement under Section 164 CrPC, the alleged detainee, who is stated to be 18½ years old was not under any kind of pressure and had suffered her statement voluntarily, showing her willingness to go with her husband Jaiwinder and not with her parents.

In this view of the matter, the prayer of the petitioner for appointment of a Warrant Officer no more survives.

Dismissed.

November 07, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No