

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 730 of 2019
Date of Decision: 19.09.2019

Ravi

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Ms. Vijay Lakshmi, Advocate, for
Mr. Ramnish Puri, Advocate,
for the petitioner.

Mr. Surender Singh, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

On 06.09.2019, the following order had been passed by this Court,
reproducing also therein the order passed on 02.09.2019:-

*“On the last date of hearing, i.e. 02.09.2019,
the following order had been passed:-*

*“Pursuant to the order dated
26.08.2019, a reply by way of an affidavit
of Sub-Inspector Sulender Kumar,
Additional SHO, Police Station Partap
Nagar, District Yamuna Nagar, has been
filed in Court today, stating to the effect
that SI Lajja Ram, SHO of the Police
Station, went to the house of respondents
no. 5 to 8 and found the alleged detenue,*

Kajal, present there, the house being that of her parents (stated to be respondents no. 5 and 6 herein).

The alleged detainee is stated to have made a statement that she was residing with her parents of her own consent and free will and therefore, as per the affidavit filed, she has not been detained illegally by respondents no. 5 to 9, with there being “no coercion” on her to live with them.

Learned counsel for the petitioner on the other hand submits that the petitioner and the aforesaid Kajal had in fact got married on 19.08.2019 and had filed CWP No. 22166 of 2019, which was listed on 21.08.2019 before a co-ordinate Bench, with it having been adjourned to the next date, i.e. 22.08.2019, on which date (22.08.2019), the girl is alleged to have been taken away from the premises of the High Court by respondents no. 5 to 9. She is stated to be of the age of majority.

Adjourned to 06.09.2019.

In the aforesaid circumstances, with the allegation being that she is being pressurized to make a false statement, the Superintendent of Police, Yamuna Nagar, is directed to ensure that the alleged detainee, i.e. Kajal, is produced in Court on the next date of hearing, accompanied by at least two lady police officials, with it made clear that her parents shall not accompany her.

Proof of age of the aforesaid Kajal

shall also be produced in Court on that date.

To be shown in the urgent motion list.

A copy of this order be given to learned counsel for the State under the signatures of the Bench Secretary of this Court.”

Today, the alleged detenue, namely Kajal, is present in Court, with learned counsel appearing for her having filed a power of attorney in Court and having also produced her birth certificate, showing therein her date of birth to be 20.02.1999.

Obviously, therefore she is 20 years and about 06 months old as per the said certificate (which has been returned to learned counsel).

Though learned counsel for the aforesaid Kajal submits that she had earlier stated that she was willingly residing with her parents, however, upon query to her by the Court, she has unequivocally stated that she wishes to reside with the petitioner, whom she has married, which statement she has reiterated upon this Court asking her as to whether she is making the statement under any undue influence or pressure.

That being so, with her having expressed her desire to go with the petitioner and she being the age of majority, the SHO Police Station Partap Nagar, District Yamuna Nagar, who is also present in Court, is directed to ensure that the petitioner and the aforesaid girl, Kajal, are duly escorted to the petitioners' residence and it is ensured that their lives and liberty are not put to in any danger at the hands of respondents no. 5 to 9.

The Superintendent of Police, Yamuna Nagar, is also directed to ensure that no untoward incident takes place.

However, since an FIR is also stated to have been registered at the instance of the aforesaid Kajal, stated to be on a statement made by her to the effect that she was under the influence of the petitioner and had been enticed away by him and consequently, offences punishable under Sections 328 and 506 of the IPC and alleged to have been committed, with the said FIR registered at Police Station Chhachhrauli, District Yamuna Nagar, on 30.08.2019, the Superintendent of Police, Yamuna Nagar, is directed to have the matter inquired into in detail, with a report to be thereafter put up to this Court, by the next date of hearing.

Adjourned to 19.09.2019.

In the meanwhile, coercive action against the petitioner shall not be taken pursuant to the aforesaid FIR registered.

To be shown in the urgent list.

A copy of this order be given to learned State counsel under the signatures of the Bench Secretary of this Court.”

Today, a status report by way of an affidavit of Sh. Sudhir Taneja, Deputy Superintendent of Police, Jagadhri, has been filed in Court by learned State counsel, wherein it is written that the allegations made in the FIR having been found to be incorrect, a cancellation report has been prepared under Section 173 of the Cr.P.C., and submitted to senior police officers for approval.

It has further been stated in the affidavit that the alleged detainee, i.e. Kajal, wife of the petitioner, has been assured that in case of any danger to her life and liberty at the hands of either respondents no. 5 to 9, or any other person, she may approach the local police and necessary protection would be provided to her.

That being so, this petition, by which a writ of habeas corpus was sought to produce the aforementioned alleged detainee, having been satisfied with her already having appeared before this Court and having expressed her desire to go with the petitioner and not back to her parental home, has been rendered infructuous and is disposed of as such.

September 19, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.