

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.852 of 2019

Date of Decision: 26.09.2019

Raman alias Ramandeep Singh

..Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Ms. Charanjit Kaur, Advocate
for the petitioner-Raman alias Ramandeep Singh.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Premjit Singh Hundal, Advocate
for respondent No.4 - Rai Singh.

Ms. Aarti in person.

...

Lalit Batra, J. (Oral)

Power of attorney on behalf of respondent No.4-Rai Singh has
been filed by Mr. Premjit Singh Hundal, Advocate.

This criminal writ petition has been filed by Raman alias
Ramandeep Singh stating himself to be next friend of Ms. Aarti under
Article 226 of the Constitution of India for issuance of a writ in the nature
of Habeas Corpus and for appointment of a Warrant Officer for search of
detenue Ms. Aarti from the illegal custody of respondents No.4 to 6.

Vide order dated 24.09.2019, instead of appointing a Warrant
Officer to search the house of respondents No.4 to 6, respondents No.2 and
3 were directed to produce Ms. Aarti, daughter of respondent No.4- Rai
Singh, in the Court on the next date of hearing to determine firstly her age
and also as to whether she is being kept in her father's home against her

wishes or otherwise.

In compliance of order dated 24.09.2019, appearance of Ms. Aarti has been got effected in the Court.

Ms. Aarti has made statement, recorded separately, in terms of which, she has categorically stated that her date of birth is 13.03.1999. To this effect she has placed on record copies of her educational testimonial and driving licence Annexures PX and PY respectively. She further stated that she is student of B.A. 2nd Year. Ms. Aarti further stated that she has no relation with petitioner-Raman alias Ramandeep Singh and she is living with her parents at village New Siwana, Tehsil Fazilka, District Fazilka (Punjab) on her own. She further stated that there was no pressure on her from any quarter and she wants to continue her studies and live with her parents.

I have heard learned counsel for the petitioner-Raman alias Ramandeep Singh, learned State counsel, learned counsel for respondent No.4 and Ms. Aarti in person.

In view of categorical statement of Ms. Aarti, she has no relation with petitioner – Raman alias Ramandeep Singh. Ms. Aarti was born on 13.03.1999 and as such she is aged about 20 ½ years. She is student of B.A. 2nd Year and she is living with her parents at village New Siwana, Tehsil Fazilka, District Fazilka, Punjab. She wants to continue her studies and she has specifically stated that she wants to live with her parents.

In this scenario, petitioner – Raman alias Ramandeep Singh has no legal right to ask for release of Ms. Aarti and that too from the custody of respondents No.4 to 6. As a matter of fact, Ms. Aarti is living with her

parents on her own. Since there is no legal right in favour of petitioner – Raman alias Ramandeep Singh to ask for search and release of Ms. Aarti while invoking Article 226 of Constitution of India, instant criminal writ petition being bereft of merits is dismissed.

26.09.2019
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(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No