

CRWP No.8839 of 2018

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

**CRWP No.8839 of 2018
Date of decision:03.01.2019**

Meenakshi Thakur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Munish Puri, Advocate, for the petitioner.

Mr. Shireesh Gupta, Senior Deputy Advocate General, Punjab.

AMIT RAWAL J. (Oral)

The present petition at the instance of Meenakshi Thakur, has been filed by invoking the provisions of Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for releasing her from the custody of State Protection Home Jalandhar.

It is alleged that Chain Singh, father-in-law of the petitioner, had lodged an FIR bearing No.35 dated 30.05.2018 under Section 365 of Indian Penal Code at Police Station Shahpurkandi, District Pathankot alleging that she was already married with Varinder Singh and have two children aged 6 and 7 years old. Suspicion was attributed to one Gagandeep Singh son of Mohinder Lal, who allegedly enticed her away with the help of his associates. In pursuance to the registration of FIR, the police has recovered her from the custody of Gagandeep Singh and after her recovery kept in State Protective Home Basti Raja, Jalandhar and had been there for the last two months. It has been contended that she is major being 29 years old and cannot be confined to the State protective home as right of life and

liberty in this process has been curtailed.

In response to the notice, Deputy Superintendent of Police, City Pathankot has filed reply, wherein, it has been stated that the petitioner had already submitted an application before the trial Court for releasing her from the custody of State Protective Home, Jalandhar. The aforementioned application is stated to be pending adjudication before the trial Court for 09.01.2019. The factum of her age as reflected in the FIR, has not been denied.

I have heard the learned counsel for the parties, appraised the petition and of the view that present petition deserves to be allowed, for, concededly, as per the allegations in the FIR, petitioner is 29 years old, married with one Varinder Singh and have two children 6 and 7 years old. Even if she has been recovered from the custody of Gagandeep Singh, who after arrest has been released on bail, she cannot be confined to the State Protective Home, as referred to above for no rhyme and reasons. It is clear violation of Article 21 of the Constitution of India. It is also not a case that she is accused in FIR.

For the reasons aforementioned, the present petition is disposed of with a direction that petitioner be released forthwith from the custody of State Protective Home Basti Raja, Jalandhar.

(AMIT RAWAL)
JUDGE

January 03, 2019

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No