

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

CRWP No.8840 of 2018 (O&M)

Date of decision: 08.01.2019

Gian Chand

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gautam Diwan, Advocate for the petitioner.

Mr. Surinder Singh, AAG, Haryana.

Mr. Vikram Singh, Advocate for respondents No.4 and 5.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., is for issuance of a writ of habeas corpus for releasing the detenues namely Krishan Kumar and Shafali.

Counsel for the petitioner has submitted that both the detenues got married with each other against the wishes of respondents No.4 and 5, who are parents of detainee No.2 whereas the petitioner is the father of detainee No.1 – Krishan Kumar.

While issuing notice of motion, a Warrant Officer was appointed, who has submitted the report dated 01.01.2019. In the report submitted by the Warrant Officer, it is stated that respondent No.4 – Krishan Kumar, father of Shafali has made a statement in Hindi that his daughter is living with him voluntarily without any force and he got registered an FIR No.729 dated 24.12.2018 under Sections 363/366/376 IPC at Police Station Guhana and in the said FIR, statement of Shafali

was recorded under Section 164 Cr.P.C., before the Illaqa Magistrate and thereafter, the Magistrate issued arrest warrants against Krishan Kumar, the alleged detainee, and he was arrested and sent in judicial custody.

The detainee – Shafali is present in the Court today and she has been referred to the Mediation and Conciliation Centre of this Court for her counselling and for recording the statement. In her statement, she has stated that her marriage with Krishan Kumar was without her consent and under intoxication and she is living with her parents since 25.12.2018 as per her own wishes and without any pressure.

In view of the report of the Warrant Officer that the detainee – Krishan Kumar, son of the petitioner stands arrested in aforesaid FIR and as per the statement of the second detainee – Shafali, recorded before the Illaqa Magistrate under Section 164 Cr.P.C., and in view of her statement recorded before the Mediator wherein she has stated that she is living with her parents of her own wish and without any pressure, this petition is disposed of having been rendered infructuous.

However, liberty is granted to the petitioner to take recourse to appropriate remedy, if so advised, in accordance with law.

(ARVIND SINGH SANGWAN)
JUDGE

08.01.2019

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No