

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

CRWP-1309-2020

Date of decision: 11.02.2020

Sandeep

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sunil Dhanda, Advocate for
Mr., Vikas Mor, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus, directing the respondents No. 1 to 4 to release the detainee-Suman, wife of the petitioner.

Learned counsel for the petitioner states that respondent No. 4-SHO, Women Police Station, Sonapat, has taken away the detainee from their house in morning on 05.02.2020, even though there is no criminal case against her.

Notice of motion was issued on 05.02.2020 and State was directed to file the status report.

In compliance thereof, status report by way of affidavit of Dr. Ravinder Kumar, HPS, Deputy Superintendent of Police, City Sonapat, on

behalf of respondents No. 1 to 4 has been filed by the learned State counsel in Court today, which is taken on record. As per the status report, on the basis of the statement of Suman an FIR No. 10 dated 28.01.2020 under Sections 354-A/376(2) (n) read with Section 34 IPC has been registered at Police Station Women, Sonapat. During investigation on the same very day, she got medico-legally examined and she was asked to get her statement recorded under Section 164 Cr.P.C. but she refused. Despite service of notice under Section 160 Cr.P.C. she did not appear, rather on 29.01.2020 she gave in writing that she was not feeling well and would get her statement recorded after two days.

Learned State counsel on the instructions from Inspector Poonam has also pointed out that on 08.02.2020 statement of Suman under Section 164 Cr.P.C was got recorded before the learned Judicial Magistrate 1st Class, Sonapat at 2.30 pm, wherein she stated that she does not want any Court proceedings/action against anyone. He further states that the detenue was never illegally detained by the police in any manner and the detenue is residing with her husband.

In view of the above, no further action is called for in the present petition.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

11.02.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No