

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

252

CRWP-1442-2020

Date of decision: 17.02.2020

Ashin

.....Petitioner

Versus

State of Haryana & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sachin Kaushik, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana
for respondents No. 1 and 2

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for directing respondents No. 1 and 2 to get wife of the petitioner namely Saraswati released from the illegal custody of respondents No. 3 to 7 and produce her before this Court.

Vide order dated 10.02.2020 respondent No. 2 – Superintendent of Police, Jind was directed to personally look into the matter and submit report.

In compliance of above said order, status report by way of affidavit of Ashwin Shenvi, IPS, Deputy Inspector General of Police-cum- Superintendent of Police, Jind has been filed.

In his affidavit Ashwin Shenvi, IPS, Deputy Inspector General of Police-cum- Superintendent of Police, Jind has stated as

under :

“ 3. That, ASI Pawan Kumar of Police Station Julana has conducted enquiry in the matter and on enquiry, it has been found that earlier, a case FIR No. 30 dated 15.01.2020 u/s 346 IPC was registered at Police Station City Jind on the complaint of mother of Saraswati namely Smt. Rajo Devi-respondent No. 4, w/o Shri Zile Singh, resident of Om Nagar, Jind. Thereafter, ASI Pawan Kumar visited at the house of Shri Zile Singh – respondent No. 3, S/o Shri Bhani Ram, resident of House No. 563/60/14 Gali No. 7 Om Nagar, Jind and conducted enquiry regarding whereabouts of missing Saraswati. During the course of enquiry proceedings, Zile Singh – respondent No. 3(father), Smt. Rajo Devi-respondent No. 4(mother), Anil S/o Zile Singh (respondent No. 5-brother), Sunny S/o Zile Singh (respondent No.6-brother) and Sunder S/o Shri Amar Singh (respondent No. 7) were joined in the enquiry and their statement were also recorded. From the perusal of their statements, it transpired that on 15.01.2020, Saraswati had went from house without informing to any one and after a gap of 2-3 days, she returned back at home and on return disclosed that she had left the house at her own will. It is further transpired that on 29.01.2020, the parents of Saraswati had solemnized her marriage with Sh. Narinder Kumar S/o Shri Bal Raj, resident of House No. 269, Ward No. 11, Colony Road, Prem Nagar, Bis Nandi, Faridkot (Punjab).

4. That on the basis of the information supplied by the private respondents, ASI Pawan Kumar alongwith L/ASI Neelam Kumar and other police officials visited at Police Station Jaito, district Faridkot (Punjab) and sought police help in conducting search of missing girl Saraswati. Thereafter, after accompanying local police, they visited at the house of Narender S/o Shi Bal Raj (Aadhar No. 390934726509), resident of House No. 269, Ward No. 11, Colony Road, Prem Nagar Bis Nandi where Smt. Saraswati w/o Bal Raj, D/o Zile Singh S/o Shri Bhani Ram, resident of House No. 563/60/14 Gali No. 7 Om Nagar, Jind, was found present. She gave her hand written statement to L/ASI Neelam Kumar by which it has been mentioned that on 29.01.2020, her marriage was solemnized with aforesaid Narinder Kumar. She is happy from this marriage and there was no pressure upon her for marriage from any corner. She further disclosed that earlier she had not solemnized marriage with any one. She was co-artist with Ashin-petitioner in drama company (Natak Mandli) and Ashin-petitioner is already married. She did not know when the petitioner had got prepared the certificate of marriage. True copy of statement of Saraswati is being annexed as Annexure R-2. Thereafter, she was taken in police custody through separate recovery memo. By L/ASI Neelam Kumari of Police Station Women, Jind, in the presence of her husband namely Narender Kumar and her

mother and brothers for producing her before this Hon'ble Court on 17.02.2020. It is further submitted that for night stay on the night of 16-17.02.2020, Saraswati, alongwith her mother namely Smt. Rajo Devi and L/HC Sudesh No. 481/Jind have been stayed at 'One Stop Centre' run by Women and Child Development Department at Civil Hospital, Jind.

5. That the investigation of case FIR No. 30 dated 15.01.2020 u/s 346 IPC Police Station City Jind is concerned, it is submitted that investigation of this case was conducted by HC Gurnaib Singh of Police Station City Jind. During the course of investigation of the case, on 18.01.2020, the missing girl namely Saraswati was recovered from Railways Station Julana and she joined in the investigation of the case and her statement u/s 164 Cr.P.C. was recorded by Judicial Magistrate 1st Class, Jind. She made statement that she went from house voluntarily and did not want to say any thing in this regard. True copy of statement us 164 Cr.P.C. of Saraswati is being annexed as Annexure R-3. Further on the same day, she was produced before the Lady Medical Officer, Civil Hospital, Jind for her medico-legal examination by the Investigating Officer, but she, in the presence of her mother, declined to get conduct her internal medical examination. On 19.01.2020, the Station House Officer, Police Station City Jind has prepared cancellation report in this case.

6. That during the course of enquiry the allegations of illegal detention of Saraswati levelled against the private respondents were found false and frivolous. She shall be produced before this Hon'ble High Court on 17.02.2020.

Saraswati has been produced in the Court today by Sub Inspector Pawan Kumar and Lady Head Constable Suman Devi of Police Station Julana.

Saraswati, has stated that she is aged about 20 years. She knows petitioner-Ashin. She did not solemnize any marriage with petitioner-Ashin. The petitioner-Ashin had obtained documents regarding marriage by saying that it was part of a dramatic performance. She had performed marriage with Narinder son of Balraj resident of House No. 269, Ward No. 11, Colony Road, Prem Nagar, Jaitu, Faridkot. She was not illegally detained by any person including

respondents No. 3 to 7. She wants to live with her husband. Statement of Saraswati has been separately recorded in this regard.

In view of her statement, Saraswati is allowed to go with her husband.

Since, detainee Saraswati had performed marriage with Narinder and has not been illegally detained by any person including respondents No. 3 to 7, no further action is required to be taken in the present Habeas Corpus petition which is disposed of accordingly.

However, the petitioner shall be at liberty to take appropriate proceedings for redressal of his grievances, if any, in accordance with law.

17.02.2020
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No