

CRWP-3498-2020(O&M) 1

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

**CRWP-3498-2020(O&M)
Date of decision: 16.6.2020**

Iliyas

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Khalid, Advocate for the petitioner

Mr. Deepak Sabharwal, Addl. AG, Haryana

ANIL KSHETARPAL, J. (ORAL)

The petitioner has filed the present criminal writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for releasing the alleged detainee-Vakila aged 19 years from illegal custody of respondents no. 5 to 12.

On 4.6.2020, keeping in view the assertions made in the petition, following order was passed:-

“This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a roving writ in the nature of habeas corpus to release the detainee namely Vakila, who is statedly in illegal custody of respondents No.5 to 12.

Notice of motion for 16.6.2020.

In the meanwhile, respondent No.3 - Superintendent of Police, Mewat (Nuh) is directed to

get the premises of respondents No.5 to 12 or any other place pointed out by the petitioner searched immediately and if the detinue is found to be illegally confined there to get her released forthwith. Her statement be also got recorded and report be sent to this Court well before the next date of hearing.”

Status report by way of affidavit of Deputy Superintendent of Police, Punhana on behalf of respondents no. 1 to 4 has been filed. Alongwith the reply, statement of Vakila wife of Mustkeem under Section 164 Cr.P.C, recorded before the Judicial Magistrate, First Class on 16.5.2020 has also been produced, which is extracted as under:-

“An application has been moved before me being Area Magistrate to record the statement of victim Vakila w/o Mustkeem u/s 164 Cr.P.C. She has been asked whether she wishes to get her statement recorded. She has replied in affirmative. No one else is present in the court room. Let her statement be recorded.

Statement of Vakila w/o Mustkeem R/o village Rithad, P.S. Pinangwa Age 19 years.

Q- Are you under any pressure?

Ans- I am making my statement at my sweet will.

Q- What do you want to say?

Ans- I was married with Mustkim on 23.6.2019 by my family members. Mustkim used to beat me harass me after marriage. I used to talk with Jabid prior to

my marriage. On 8.5.2020, I left the house of my husband at my own sweet will. I went away at my own sweet will and nobody instigated or threatened me for it. I do not want to reside with my husband Mustkim, I want to reside with Jabid.”

Keeping in view the statement of the alleged detenue-Vakila, no further orders are required to be passed.

Disposed of.

16.6.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No