

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

(212)

**CRWP No. 3812 of 2020
Date of Decision : 16.07.2020**

Sawan

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Ajay Ghangas, Advocate for respondents No. 7 to 10.

(presence marked through video conference)

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed with the allegation that Ms. Salena has been kept in illegal custody of respondents No. 7 to 10.

Following order was passed by this Court on 16.06.2020 :-

“This matter is being taken up for hearing through videoconferencing due to the outbreak of the pandemic, COVID-19.

It is submitted that the petitioner solemnised marriage with the alleged detainee, Salena, daughter of respondent No. 7 on 02.03.2020 in contravention to the wishes of the said respondent and other family members of Salena. The private

respondents, it is submitted, are opposed to the marriage, the same being an inter-caste marriage. The relatives of the petitioner's wife were duly informed of the marriage ceremony. On an assurance that everything was settled, the petitioner's wife went to her parental home to stay for a few days after marriage, as customary. In the meantime, the lockdown was imposed due to the outbreak of the pandemic, COVID-19 and the petitioner was told that his wife could be sent back after the lifting of the lockdown/curfew. However, now the petitioner has come to know that the petitioner's wife is being subjected to physical and mental abuse and she is being prevented from joining the petitioner.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana accepts notice on behalf of respondents No. 1 to 6. Advance copy of the petition stands supplied.

Mr. Malik, on instructions from SI Hari Kishan, Police Station Madhuban, District Karnal submits that marriage between the petitioner and daughter of respondent No. 7 was solemnized on 02.03.2020, however, a complaint has been submitted by relatives of Salena at Panipat against the petitioner and the matter is being investigated. However, there is no indication as to whether the alleged detainee is living with her parents out of her own free will and volition.

Keeping in view the peculiar circumstances, which have arisen due to the outbreak of the pandemic, COVID-19, it is directed that the alleged detainee Salena be presented before the learned Chief Judicial Magistrate/Duty Magistrate, Panipat on 19.06.2020. The concerned SHO shall ensure her presence before the learned Chief Judicial Magistrate/Duty Magistrate on the said date.

The statement of the alleged detainee in respect to her marriage with the petitioner as well as whether she is residing with her parents out of her own free will and volition, be

recorded. In case, the detenue expresses a desire to accompany the petitioner, she shall be at liberty to do so and it shall be ensured that respondents No. 7 to 10 do not create any kind of impediment and obstacles thereto.

Notice be issued to respondents No. 7 to 10 for 16.07.2020.

The concerned SHO to ensure service upon respondents No. 7 to 10.”

In pursuance to the above mentioned order, a report has been received from learned Chief Judicial Magistrate, Panipat alongwith the statement of Ms. Salena, according to which, Ms. Salena is living with her parents i.e. respondents No. 7 to 10 as per her own wish without there being any coercion.

Keeping in view the report, learned counsel for the petitioner states that he is not pressing this petition any further without prejudice to his right to seek any other relief, which he is entitled under the law.

Petition is disposed of having been not pressed.

July 16, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

<i>Whether reasoned/speaking?</i>	√ Yes/No
<i>Whether reportable?</i>	√ Yes/No