

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(105)

CRWP-5063-2020

Date of Decision: September 14, 2020

Mahinder Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Ms. Rajni Gupta, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed seeking the writ of Habeas Corpus for the release of the detenue namely, Diya (minor), who is lodged in Bal Ashram, Ladwa.

Learned counsel for the petitioner argues that the detenue is the daughter-in-law of the petitioner and she is being kept in Bal Ashram, Ladwa against her wishes and therefore, she should be released from the said institution so as to allow her to decide where she intends to live.

Before considering the prayer of the petitioner, certain facts are necessary to be stated.

It is conceded by the learned counsel for the petitioner that the son of the petitioner, who allegedly married the detenue, is in jail. Subsequent to filing of the present petition, even the petitioner has been arrested and is presently lodged in a jail. Learned counsel for the petitioner submits that keeping in view the present situation, the minor should be

allowed to decide where she wants to live and therefore, appropriate orders be passed in that regard.

From the pleadings, it transpires that the petitioner, who is a minor, has been lodged in Bal Ashram, Ladwa on the basis of a order passed by the Child Welfare Committee, Kurukshetra dated 08.07.2020.

In the reply filed by the respondent-State, the statement of the alleged detainee Diya dated 20.07.2020 has been recorded wherein, she has stated that she is residing in Bal Ashram, Ladwa as per her own will and is also happy and she is facing no problem and the statement has been given without any coercion. The said statement is as under:-

“I, Diya daughter of Dilbagh Singh resident of Village Sarsa, District Kurukshetra stated that I willing to go with by parent. I am now residing in Bal Ashram Ladwa as per her own will happily and I am facing no problem here and this statement given by me as per my own will.”

Keeping in view the above, once the detainee has stated that she is living happily in the Bal Ashram, Ladwa and is facing no problem, the petitioner has no right to question the same especially when he himself lodged in a jail.

In view of the above facts, the present petition is dismissed.

September 14, 2020

harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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