

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRWP-5664-2020

Date of decision: 30.09.2020

Sushil Kumar

.....Petitioner

versus

State of Haryana and others

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

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

Mr. Rajiv Goel, DAG, Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Sushil Kumar, stated to be aged 51 years, has filed the present petition *inter alia* with a prayer for issuance of writ in the nature of habeas directing respondents No.2 & 3 to search/release the detenue-Ritu (daughter of the petitioner) from illegal detention of respondents No.4 & 5.

Records of the case show that on 05.08.2020, the following order was passed:-

“Petitioner-Sushil Kumar, stated to be aged 51 years, has filed the present Criminal Writ Petition inter alia with a prayer for issuance of writ in the nature of habeas corpus directing respondents No.2 & 3 to search/release the detenue-Ritu (daughter of the petitioner) from illegal detention of respondents No.4 & 5.

Learned counsel for the petitioner, based on the

pleadings, submits that the petitioner is a poor man and he is an auto rickshaw driver. He submits that on 26.08.2016, his daughter Ritu (detenue) had performed marriage with Neeraj (respondent No.4). This marriage was against the wishes of the petitioner and the same was dissolved on 25.11.2016 through open Panchayat. Since then, detenue-Ritu had been staying with the petitioner and other family members at Mohali. In Para 5 of the petition, it has been alleged that the detenue has been forcibly kidnapped by respondents No.4 & 5. In Para 7, it has been pleaded that a phone call was received from detenue to the petitioner stating that she has been illegally confined under threat of life. It is further submitted that in this regard, a written complaint dated 27.07.2020, was also submitted to the DGP, Haryana.

Notice of motion.

On asking of the Court, Mr. Amit Aggarwal, DAG, Haryana, accepts notice on behalf of the respondent-State.

In view of the above, Registry is directed to appoint a Warrant Officer, who shall search the whereabouts of the alleged detenue, at the address mentioned in the writ petition or at any other place(s) as may be indicated by the petitioner, and if, she is found in illegal custody of respondent(s), she be got released forthwith. The fee of the Warrant Officer shall be determined by the Registry as per the Rules and borne by the petitioner. The Warrant Officer is free to contact the petitioner at his mobile number i.e. 9646732392.

It is also directed that the Warrant Officer may take help of local lady police officer/official to accompany and SHO of the said Police Station is directed to provide help to the Warrant Officer so that statement of the detenue be recorded in presence of lady police officer/official, by

providing full protection and safety to the girl so that she could record the statement at her free will.

The specific report of the Warrant Officer be also placed on record before the next date of hearing.

Adjourned to 30.09.2020.”

In compliance to the order dated 05.08.2020, report of Warrant Officer, has been received, which is taken on record as 'Mark A'. In the report, it is stated that statement of detenue-Ritu (Annexure R-4) has been recorded and in the said statement, she submits that she got married with Neeraj under pressure/threat and now she does not want to live with him and wants to go with her father-Sushil Kumar. It is also stated in the report that in presence of the police party, Mrs. Ritu-detenue, was sent with her father Shri Sushil Kumar-petitioner after recording his statement (Annexure R-6).

Learned State counsel has filed a short reply by way of affidavit of Surinder Kaur HPS, Deputy Superintendent of Police-II, Yamuna Nagar on behalf of respondents No.1 to 3. The said reply is taken on record. Statement of detenue namely Ritu D/o Sushil Kumar, has also been appended along with the said reply.

In view of the above, no further orders are called for.

Accordingly, the Criminal Writ Petition is disposed of.

(GIRISH AGNIHOTRI)
JUDGE

30.09.2020

anju rani

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No