

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

**CRWP No.6556 of 2020
Date of Decision:-27.08.2020**

Lalit Charan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

JASGURPREET SINGH PURI J.(Oral)

The present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus directing the respondents to produce and release the detenue 'Sarita Devi' from the custody of respondent No.4-Manorama.

Notice of motion to respondents No.1 to 3 at this stage.

On asking of Court, Mr. Sandeep Moudgil, Additional A.G., Haryana, accepts notice on behalf of State of Haryana.

The present petition has come up in the supplementary list and the Courts are now-a-days functioning by way of video conferencing. The official of the Court had contacted Shri Niamal Singh learned counsel for the petitioner for the purpose of conducting video conferencing to enable him to address arguments on behalf of petitioner. However, learned counsel

for the petitioner was not able to present himself by way of video conferencing. Therefore, the present petition can be taken up on the basis of pleadings, which have been made by the petitioner in the petition itself.

The petitioner has stated in his petition that he is friend of the alleged detainee, namely, Sarita Devi and that the alleged detainee is residing with her mother, who has been impleaded as respondent No.4. It has further been pleaded in para 3 of the petition that the detainee is a major and is more than 21 years of age. From the petition it can be inferred that the petitioner is not married with the alleged detainee and petitioner is only alleging that he is only a friend of the alleged detainee. It has been further alleged in the petition that the parents of the alleged detainee will get the alleged detainee married with somebody else and also there is strong apprehension with regard to the life of the alleged detainee by way of honour killing.

I have gone through the pleadings made in the present petition.

So far as the prayer with regard to the writ of habeas corpus is concerned, the same is not maintainable because admittedly the petitioner is not married with the alleged detainee and admittedly the alleged detainee is more than 21 years of age and is residing with her parents and therefore the said petition for habeas corpus is not maintainable.

However, so far as the allegations made with regard to the strong apprehension of the petitioner that the alleged detainee, namely, Sarita Devi, would be harmed by her parents, the same issue can always be addressed by way of a petition for seeking protection of the alleged detainee.

Although no specific prayer has been made with regard to grant of

protection to the alleged detainee but from the averments made in the petition it can be inferred that the petitioner has reasonable apprehension in his mind that there can be an honour killing of the girl.

Therefore, in view of the facts, which have been mentioned in the present petition, this petition can be disposed of with a direction to the Senior Superintendent of Police, Ambala to look into the matter and assess the threat perception with regard to the life of the alleged detainee. The address of the alleged detainee is mentioned in the memo of parties. The Senior Superintendent of Police, Ambala shall also ensure that while inspecting the residence of the alleged detainee, the police party shall be headed by woman police officer. In case there exist any threat, then appropriate action shall be taken in this regard.

A copy of this order be forwarded to the learned State counsel and the learned State counsel is directed to supply the copy of this order alongwith copy of the petition to the Senior Superintendent of Police, Ambala for necessary action, today itself.

August 27, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No