

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

244

**CRWP-2079-2019
Date of decision: 09.01.2020**

Rajendra

.....Petitioner

Versus

State of U.T., Chandigarh & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashdeep Singh, Advocate
for the petitioner.

Ms. Ashima Mor, Addl. P.P., U.T., Chandigarh
for respondents No.1 to 3.

Ms. Jasleen Kaur, Advocate
for respondent No.4.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Article 226 of the Constitution of India for the issuance of a writ in the nature of habeas corpus for directing respondents No.1 to 3 to get detainee namely Nisha daughter of the petitioner released from the illegal detention of respondent No.4.

Vide order dated 13.12.2019 while issuing notice of motion, respondent No.2-Senior Superintendent of Police, Chandigarh was directed to look into the matter personally and take steps for ensuring appearance of detainee-Nisha before this Court.

In compliance with the above said order, ASI Manoj Kumar, Police Station, Mauli Jagran has produced detainee-Nisha before this Court.

Learned Additional Public Prosecutor for U.T., Chandigarh has also brought to the notice of this Court that detainee-Nisha was

brought from Jaipur on 08.01.2020 and was lodged in Sakhi-One Stop Centre, Chandigarh.

Ms. Jasleen Kaur, Advocate has put in appearance on behalf of respondent No.4 and filed her vakalatnama which is taken on record.

On being asked by this Court, detenue-Nisha has made statement that she is aged about 28 years; she is living with her own free will at Jaipur; she has not been illegally detained by any person including respondent No.4 and she does not want to go with the petitioner.

Learned counsel for the petitioner has submitted that detenue-Nisha is living at Jaipur in live-in-relationship with respondent No.4 under agreement dated 30.10.2019. Photostat copy of the said agreement is taken on record.

Smt. Madhu wife of respondent No.4 is also present in the Court along with her minor daughter and has submitted that respondent No.4 has neglected/deserted her due to his relations with detenue-Nisha.

Since, detenue-Nisha, being an adult is living at Jaipur out of her own free will and is not in illegal custody of anyone including respondent No.4, no further action is required to be taken in the present habeas corpus petition, which is disposed of accordingly.

However, the parties shall be at liberty to avail appropriate remedies in accordance with law for redressal of their grievances, if any.

Since, detenue-Nisha has stated that she wants to live at

Jaipur, respondent No.2-Senior Superintendent of Police, Chandigarh is directed to ensure that detenue-Nisha is escorted back to the place of her residence at Jaipur.

A copy of this order be supplied to the learned Additional Public Prosecutor, U.T., Chandigarh for requisite compliance under the signatures of Bench Secretary.

09.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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