

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

235

CRWP-546-2021

Date of decision: 16.03.2021

Amir

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Azad, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for respondents No.1 to 4.

Mr. Saleem Ahmad, Advocate
for respondent No.5.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

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 4 to produce/release detainee-Tabassum (sister of the petitioner) from the illegal custody of respondent No.5.

Vide order dated 25.01.2021, respondent No.3-Superintendent of Police, Palwal was directed to ensure presence of detainee-Tabassum before this Court through video conferencing.

In compliance with the above said order, ASI Vijay, ASI Sumitra and Lady Constable Somwati, Police Station, Hathin, on behalf of respondent No.3-Superintendent of Police, Palwal, have ensured presence of detainee-Tabassum before this Court through video

conferencing.

On being asked by this Court, detenue-Tabassum has stated that she is aged about 20 years. She is working in a beauty parlour in Noida and getting the amount of Rs.7,000/- per month. She is living in a rented room in Sector 56, Noida out of her own free will on rent of Rs.5,000/- which is shared by her and her two friends. She knows respondent No.5-Tahir Hussain but she is not living with him and is not having any relation/connection with him. She has not been illegally confined by anyone including respondent No.5. She does not want to go to her parental house for living with the petitioner or other members of her parental family.

Detenue-Tabassum being major is entitled to live with any person and at any place of her choice. Reference in this regard may be made to judgment of Hon'ble Supreme Court in *Soni Gerry Vs. Gerry Douglas : 2018(1) RCR (Civil) 650*.

Since, detenue-Tabassum, is living at Noida out of her own free will and is not in illegal custody of anyone including respondent No.5, no further action is required to be taken on the present habeas corpus petition, which is disposed of accordingly.

16.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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