

CRWP No.666 of 2021

{1}

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

**CRWP No.666 of 2021
Date of decision:23.02.2021**

Ram Pal

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus directing the respondents to produce the detenue, namely, Priya, who is 26 years old daughter of the petitioner, before this Court and to hand over her custody to the petitioner.

As per office report, service is complete.

In response to the notice of motion issued by this Court, reply by way of affidavit of Deputy Superintendent of Police, Jind has been filed on behalf of respondents No.1 to 3. The relevant extract of the same is

reproduced as under:-

3. *That investigation of this case was conducted by HC Subhash No.970/Jind of Police Station City Jind. During the course of investigation of the case on 22.01.2021, missing girl Priya was recovered from Palika Bazar Jind. She was joined in the investigation of the case on the same day. Her statement u/s 164 Cr.P.C. was recorded by Judicial Magistrate Ist Class, Jind by which she has disclosed that there is no pressure upon her from any corner and she wants to live with her husband namely Monu-respondent No.4. True copy of statement u/s 164 Cr.P.C. of Priya is being annexed as Annexure R-1 for kind perusal of this Hon'ble Court. Besides the statement u/s 164 Cr.P.C, she also presented an affidavit to the effect that she wants to live with her husband namely Monu and allegations levelled against her husband in FIR are false and frivolous. Thereafter, on the same day in pursuance of statement u/s 164 Cr.P.C her custody was delivered to her husband namely Monu-respondent No.4 through separate memo. On this, on 25.01.2021, the Station House Officer, Police Station City Jind prepared cancellation report in this case and the same is under process and has not been yet presented in the concerned Court.*
4. *That so far as divorce among the respondent No.4-Monu and Priya daughter of the petitioner is concerned, in this regard it is submitted that during the course of investigation*

both of the parties has failed to produce any decree of divorce of Monu and Priya passed by the competent Court of law. However, the complainant-petitioner has produced a photocopy of affidavit dated 04.12.2017 sworn by Monu-respondent No.4 by which it has been mentioned that they have decided to take divorce in Panchayat of brotherhood and further mentioned that both the parties shall pursue the case of divorce pending in Court. But, now there is no decree of divorce among the parties and Priya-daughter of the petitioner, who is major, has voluntarily went with her husband in order to live with him. At present, she is residing with respondent No.4 at her matrimonial house. Therefore, the allegations of illegal detention levelled against the respondent No.4-Monu are totally false and frivolous. Hence, the present petition is liable to be dismissed being devoid of merits.

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

The petition is disposed of.

(SUVIR SEHGAL)
JUDGE

February 23, 2021
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No