

CRWP-1132-2021 (O&M)

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

**CRWP-1132-2021 (O&M).
Decided on: February 10, 2021.**

Sahitya Gupta

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Ms.Aditi Sheoran, Advocate,
 for the petitioner.**

Mr.Sarabjeet Singh, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, with a prayer for issuance of a writ in the nature of habeas corpus for directing official respondent Nos.1 to 4, to get the detenues released from the illegal custody of private respondents.

On 4.2.2021, notice of motion was issued in this habeas corpus petition on the basis of averments made in the petition that alleged detinue belong to LGBTQ community and they were in relationship with each other and wanted to live together. Both the alleged detenues were

CRWP-1132-2021 (O&M)

above the age of 21 years and there was imminent danger from their respective fathers. This Court directed the Commissioner of Police, Ludhiana, to depute a senior police official to look into the matter immediately and to visit the place of residence of respondent Nos.5 and 6, and to ensure the safety of the aforesaid two detenues and thereafter produce them before the learned Illaqua Magistrate for recording their statements and thereafter file status report.

Today, status report has been filed by way of an affidavit of Additional Deputy Commissioner of Police (Investigation), Ludhiana through e-mail as the matter is being taken up through video conference. A print out of the same is directed to be taken on record.

As per the status report both the alleged detenues were produced before the learned Illaqua Magistrate on 9.2.2021 in which they have stated that they are living with their fathers happily and that they do not want to live with each other again.

The relevant portion of the affidavit is reproduced as under:-

4. That in compliance to the above noted order of this Hon'ble Court, the alleged detenues were produced before the concerned Illaqa Magistrates on 9.2.2021 and got recorded their statements and copies of the same were obtained by the police. The age of girl Nishtha is 21 years and the age of girl Pragya Sharma is about 22 years. In her statement, the alleged detinue Nishtha stated before the concerned Magistrate that she is living with her parents happily and she does not know

that who has filed this petition. She further stated that she wants to live with her parents and does not want to live with the other alleged detainee namely Pragya Sharma. Copy of the said statement of Nishtha is annexed hereto as Annexure R-1/T. Similarly statement of the other alleged detainee namely Pragya Sharma was also got recorded before the concerned Magistrate on 9.2.2021 in which she stated that she and the other alleged detainee were in relationship and then went to Delhi from where their respective parents brought them and promised that they will provide separate accommodation to them. The said Pragya Sharma further stated that thereafter they returned back to Ludhiana and stayed in Nishtha's house for one day from where Pragya's father/respondent No.6 brought her to his house. Pragya Sharma further stated that she wants to live with her parents and she does not want to live with the other alleged detainee namely Nishtha. Copy of the said statement of Pragya Sharma is annexed hereto as Annexure R-2/T.

Thus, both the alleged detainees have not been detained by their respective fathers/respondents No.5 and 6 and rather the alleged detainees Nishtha and Pragya Sharma are happily residing with their parents and they do not want to live with each other as is evident from their statements Annexures R-1/T and R-2T. Even the above noted Nishtha has also stated in her statement Annexure R-1/T that she do not know that who has filed the present writ petition.

5. Further, the concerned SHOs have also been directed to regularly check the safety of the alleged detainees.”

CRWP-1132-2021 (O&M)

In view of aforesaid affidavit filed by the State,no further proceedings are required to be called for in the present petition and therefore, the present petition is hereby dismissed.

February 10, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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