

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

118(2)

CRWP-1263-2021

Date of decision: 07.07.2021

SONU

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Shivya Sehgal, Advocate
for the petitioner.

Mr. H.S.Multani, Asstt. A.G. Punjab
for respondents No.1 to 5 and 9.

Mr. Viranjeet Singh Mahal, Addl. Public Prosecutor
for respondents No.7, 8 and 10.

Mr. Inderjeet Singh, Advocate
for respondent No.6.

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 issuance of a writ in the nature of Habeas Corpus for release of his minor daughter Priyanka from illegal custody of respondent No.6.

Vide order dated 02.07.2021 detenue-Priyanka was ordered to be kept in Ashiana, Sector-15, Chandigarh till further orders to the contrary and respondent No.8-Senior Superintendent of Police, U.T. Chandigarh was directed to take appropriate action for protection of her life and liberty.

During pendency of the petition the petitioner and

respondent No.6 and his parents entered into compromise on 06.07.2021.

Photo stat copy of the compromise deed dated 06.07.2021 has been sent to this Court by learned counsel for the petitioner through e-mail print out of which is taken on record.

Learned counsel for respondent No.6 has admitted the factum of compromise and affirmed genuineness and authenticity of the compromise deed.

As per terms of the compromise deed detenue-Priyanka will remain in custody of her father till attaining the age of 18 years and after attaining the age of 18 years, Priyanka will be at liberty to marry respondent No.6-Arshdeep Singh. The parties have also agreed to withdraw all civil and criminal cases filed by them against each other.

Detenue-Priyanka has been produced before this Court through video conferencing from one stop center, Nari Niketan, Sector 26, Chandigarh.

On being asked detenue-Priyanka has expressed her willingness to go with her father but requested for issuance of appropriate directions for protection of her life and liberty so that she is not forced to marry some other person against her wishes.

In view of the above, the petition is disposed of in terms of the compromise deed dated 06.07.2021 and custody of detenue-Priyanka is ordered to be entrusted to her father-the present petitioner subject to the condition that the petitioner shall not cause any harm to detenue-Priyanka and shall not force her to marry any person against her wishes at any time before or after attaining of majority by her.

For protection of life and liberty of detainee-Priyanka and ensuring her welfare, it is also directed that the Chairman or any of the members of the Child Welfare Committee, Ludhiana shall periodically visit house of the petitioner and Secretary, District Legal Services Authority, Ludhiana shall depute some lady Advocate on its Legal Aid Panel to periodically visit house of the petitioner for interacting with detainee-Priyanka for ascertaining her well being and providing requisite help/taking appropriate steps for her welfare as may be required.

The Child Welfare Committee and the District Legal Services Authority, Ludhiana shall also be at liberty to move this Court for issuance of appropriate directions in this regard as may be required in the facts and circumstances of the case.

07.07.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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