

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

113

CRWP-1486-2021

Date of decision: 16.02.2021

Shiv Pal

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kanhiya Soni, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. AG, Punjab
for respondents No.1 to 3.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Articles 226 and 227 of the Constitution of India, 1950 for issuance of a writ in the nature of Habeas Corpus for appointing a warrant officer to get the detenue-Priya released from illegal custody of respondents No.4 to 7.

Vide order dated 11.02.2021 while issuing notice of motion, respondent No.2-Commissioner of Police, Amritsar was directed to ensure the presence of detenue-Priya before this Court through video conferencing.

Mr. Mohit Singla, Advocate has appeared on behalf of respondents No.4 to 7 and filed his power of attorney through e-mail print out of which is taken on record.

Detenue-Priya is also present before this Court through video conferencing from the office of Mr. Mohit Singla, Advocate for

respondents No.4 to 7.

Learned Counsel for respondents No.4 to 7 has also sent school certificate of deteune-Priya through e-mail showing her date of birth as 08.02.2002 print out of which is taken on record.

On being asked detenue-Priya has stated before this Court that she is aged about 19 years and is major. She has performed marriage with respondent No.4-Akashdip on 08.02.2021 and has filed petition for protection of her life and liberty. She has not been illegally detained by anyone including respondents No.4 to 7. She wants to continue to live with respondent No.4-Akashdip.

Detenue-Priya whose date of birth is 08.02.2002 and who is major being more than 19 years of age is entitled to live with a person and at a place of her choice. At present detenue-Priya is living with her husband respondent No.4-Akashdip out of her own free will and has not been illegally detained by any person including respondents No.4 to 7.

In these facts and circumstances of the case, no action is required to be taken on the present habeas corpus petition which is disposed of accordingly.

16.02.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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