

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

CRWP-1892 of 2021

Date of Decision: 19.03.2021

Nirvan Dass

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Krishan Kanha, Advocate for
Mr. N. S. Lucky, Advocate for the petitioner.
Mr. H. S. Sitta, AAG, Punjab.
Mr. Harmanjit Singh Jugait, Advocate for respondents
No. 5 and 6.

AVNEESH JHINGAN, J (Oral):

This writ petition in the nature of Habeas Corpus was filed for release of detainee, namely, Neeru Rani.

The father of the detainee is the petitioner. As per the pleadings, the detainee was kidnapped by Gurdeep Singh, Kaka Singh and Sandeep Kumar (private respondents arrayed in the petition) on 9.6.2020. On the said allegation, FIR No. 67 dated 16.6.2020, under Section 346 IPC was registered at Police Station Banur. It is further pleaded that the private respondents and their families are having disputes with the petitioner and due to this reason they had taken away his daughter.

Notice of motion was issued on 23.2.2021. Superintendent of Police, Patiala was directed to ensure the presence of detainee through video conference. On 26.2.2021, none appeared for the petitioner. Learned counsel for the State submitted that detainee-Neeru Rani is not traceable.

Today, on instructions from ASI-Jaswinder Pal Singh, learned counsel for the State has produced statement of the detainee recorded under

Section 164 Cr.P.C. In the said statement, it has been stated that she of her own sweet will had gone with Gurdeep Singh and solemnised marriage with him.

It is worth noting that the present writ petition is filed on same allegations as in FIR. There are disputed questions of facts. The statement of the detinue recorded under Section 164 Cr.P.C. rather contradicts the pleadings of the petitioner regarding illegal detention or kidnaping.

The petition is dismissed.

However, the petitioner shall be at liberty to avail remedies in accordance with law.

[AVNEESH JHINGAN]
JUDGE

19th March, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |