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

CRWP No.2062 of 2021 (O&M)

Date of decision: 15.03.2021

Suman Kumari

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Varun Sharma, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of Habeas Corpus for releasing the detenue i.e. husband of the petitioner namely Vijay Kumar son of Kikkar Singh, from the illegal detention of respondent No.3 i.e. the SHO, Police Station Talwara, District Hoshiarpur.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub-Division Dasuya, District Hoshiarpur, filed in the Court is taken on record.

As per the reply, Sahil Chaudhary son of the petitioner along with Rahul Chaudhary son of one Dilbag Singh are booked in FIR No.15 dated 22.02.2021 registered under Sections 306/34 IPC at Police Station Talwara, District Hoshiarpur.

The allegations in the FIR, which was registered at the instance of one Kushal Kumar, are that the accused persons were harassing and stalking his daughter namely Ashima Chaudhary and on account of the harassment suffered at the instance of the accused

persons, Ashima Chaudhary, committed suicide by consuming poison.

Counsel for the State has argued that as per the Birth Certificate of Ashima Chaudhary, she was 17 years and 24 days old at the time of the occurrence. It is further stated in the FIR that one of the accused namely Rahul Chaudhary, son of Dilbag Singh was arrested on 23.02.2021 and made a disclosure statement that on 19.02.2021 when the exam was going on in the school, he and Sahil i.e. the son of the petitioner were waiting for Ashima Chaudhary in front of the school on a motorcycle and when the school time was over, they took Ashima Chaudhary to his house and kept her confined for a period of 02 hours and thereafter, she was taken on a motorcycle of Sahil Chaudhary near her house and was dropped there.

Counsel for the State has further argued that in fact, the police has raided the house of the petitioner on 23.02.2021 and 24.02.2021 just with a view to arrest Sahil Chaudhary as an FIR No.15 dated 22.02.2021 has been registered against him under Sections 306/34 IPC at Police Station Talwara, District Hoshiarpur, however, the house of the petitioner was found locked and in this regard, Zimini Nos.2 and 3 were recorded on both the dates, respectively.

Counsel for the State has also submitted that the police of Police Station Talwara, District Hoshiarpur, never picked up the detainee Vijay Kumar, husband of the petitioner on 23.02.2021 and no one, approached respondent No.3 regarding the alleged illegal detention as he was not in the custody of respondent No.3. It is also submitted that the present petition has been filed just to put pressure on the police so that the son of the petitioner and the alleged detainee namely Sahil

Chaudhary, who is the main accused in the aforesaid FIR No.15 dated 22.02.2021, be not arrested and in fact, he has not been arrested till date.

In view of the above, no further action is called for.

However, at this stage, counsel for the petitioner has raised an objection that the detainee was kept in illegal confinement till 04.03.2021 on account of the aforesaid fact and in this regard, the detainee has already filed a complaint regarding his illegal confinement before the competent Court of law.

The only prayer made by counsel for the petitioner is that the CCTV footage of the Police Station Talwara, District Hoshiarpur, be preserved for that purpose.

In reply, counsel for the State has submitted that since the police station is a public place and the husband of the petitioner was visiting the police station on account of the investigation being carried out by the police, there is a possibility that his presence of coming and going out from the Police Station in this regard may be recorded.

Be whatsoever, the SHO, Police Station Talwara, District Hoshiarpur, is directed to preserve the CCTV footage of the Police Station Talwara, from 23.02.2021 till 04.03.2021, which will be produced before the Illaqa Magistrate/trial Court, is so required.

The petition is disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

15.03.2021

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No