

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

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**CRWP-2725-2021
Date of decision: 08.04.2021**

Mohinder Singh Nagpal

.....Petitioner

Versus

Union Territory Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Jasneet Mehra, Advocate for
Ms. Jainika Jain, Advocate
for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., U.T., Chandigarh
for respondents No.1 to 3.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for respondents No.5 and 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 her grand-daughter detenue-Tanvi from illegal custody of her mother-respondent No.4.

Vide order dated 01.04.2021, the Commissioner of Police, Jalandhar and Station House Officer, Police Station Model Town, Jalandhar City, District Jalandhar were impleaded as respondents No.5 and 6 respectively on oral request of learned Counsel for the petitioner and were directed to ensure presence of detenue-Tanvi before this Court through video conferencing.

In compliance with the above said order, Surjit Singh,

SHO, Police Station Model Town, Jalandhar City, District Jalandhar has, on behalf of respondents No.5 and 6, ensured presence of detainee-Tanvi before this Court through video conferencing.

On being questioned, detainee-Tanvi has stated that she is residing in Model Town, Jalandhar out of her own free will and she has not been illegally detained by any person including respondent No.4.

Learned Counsel for the petitioner has also made detailed interaction with detainee-Tanvi regarding her well being and also voluntary nature of her selection of the place for her residence with her own free will.

Detainee-Tanvi being major is entitled to live with any person and at any place of her choice. Reference in this regard may be made to judgment of Hon'ble Supreme Court in *Soni Gerry Vs. Gerry Douglas : 2018(1) RCR (Civil) 650*.

Since, detainee-Tanvi, is living in Model Town, Jalandhar out of her own free will and is not in illegal custody of anyone including respondent No.4, no further action is required to be taken on the present habeas corpus petition, which is disposed of accordingly.

08.04.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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