

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

CRWP-3150-2021

Date of decision: 05.04.2021

Suresh Kumar

...Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present:- Mr. S.S. Momi, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

**HARNARESH SINGH GILL, J. (Oral)**

By way of the present petition, the petitioner seeks issuance of direction to respondents No.1 to 4 to produce detenue, Suman, aged about 31-year, alleged to have been detained in Nari Niketan, Karnal.

On the last date of hearing i.e. 31.03.2021, when the learned State counsel had sent through e-mail, a copy of the order dated 23.03.2021, passed by the Judicial Magistrate, Ist Class, Charkhi Dadri, this Court, after having perused the same, inter-alia, passed the following order:-

*“.....At this stage, learned State counsel has e.mailed a copy of the order dated 23.03.2021 passed by the learned Judicial Magistrate Ist Class, Jagadhari, vide which the alleged detenue has been sent to the Nari Niketan. Print out of the same is taken on record. The said order dated 23.03.2021 would read as under:-*

*“Statement of prosecutrix Suman wife of Rajbir, under Section 164 Cr.P.C. recorded. I have recorded*

*the statement of prosecutrix. She stated that she got married with Rajbir about 14 years ago. She has a son about 13 years old. She alleged that she was harassed by her husband due to which she came to house of her father. Her parents raised pressure upon her to go back with her husband. On 11.03.2021, without informing any person, she fled away from her parental house and went to Himachal Pradesh. As per her version, she, there met to one Suresh. He is in her relationship in village Malpos (Charkhi Dadri). She remained with Suresh in Himachal Pradesh in a hotel for about one week and voluntarily came back at Charkhi Dadri. The prosecutrix wants to go with Suresh to live with him in relationship. She deposed that her life and life of Suresh is in danger as she has fear of her husband side as well as of her parents side. After recording her statement and hearing the police official who brought her before me, I am of the view that the prosecutrix is in undue influence of Suresh. She is also stating to bring her son from custody of her husband to keep him with her in village Malpos. As informed by the Investigating Officer, her husband purchased huge properties in her name and even her father-in-law transferred his land in her name, so it is suggested by the Investigating Officer that Suresh is confining her to grab her properties. I am of the view that the circumstances of the present case are so complicated, if no order for her proper custody is made, it will en-danger her life. So, the application for sending her to Nari Niketan, Karnal is hereby allowed. She will be kept in Nari Niketan Karnal till passing of any order regarding alternative place for her safe and proper custody. Copy of statement of prosecutrix as well as this order be supplied to L/HC present in the Court for compliance. Original statement be sealed and the same alongwith zimni orders be tagged with the remand papers and be put up as and when challan is presented.”*

*The proceedings in the above-noted FIR are stated to be pending before the Judicial Magistrate Ist Class, Charkhi Dadri.*

*Adjourned to 05.04.2021.*

*However, the earlier order qua producing the detenue by the gazetted police officer before the Illaqa/Duty Magistrate for getting her statement recorded and qua recording the statements of respondents No.5 and 6 by such gazetted police officer, passed by this Court at noon, be kept in abeyance.*

*Learned counsel for the petitioner be informed accordingly.”*

Today, learned counsel for the petitioner, does not dispute the factum of passing of the aforesaid order passed by the learned Judicial Magistrate, Ist Class, Charkhi Dadri.

Learned counsel for the petitioner relies upon a Single Bench judgment of this Court in Usman Khan Vs. State of Haryana, 2021(1) RCR (Criminal) 147 and a Division Bench judgment of Gujarat High Court in Kishan Kumar Atulkumar Barot Vs. Kalabhai Vahjibhai Chaudhary and others, 2017(3) RCR (Civil) 356, to contend that the detenue being major, is entitled to live with anyone, of her own will.

However, in the present case, the alleged detenue, Suman, aged 31 years, is married to Rajbir-respondent No.6 and FIR No.44 dated 11.03.2021, under Section 346 IPC, stands registered at Police Station Sadar Dadri, on the complaint of respondent No.5-Manish, brother of Suman, with the allegation that Suman had gone missing after she left for Dadri on 08.03.2021.

In her statement as noticed above, Suman has stated that she went to Himachal Pradesh and remained there for a week with the petitioner and that she wants to live with Suresh in a relationship.

The petitioner by filing the present petition, intends to cover up his role, which is subject matter of the investigation in the aforesaid FIR.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

05.04.2021  
parveen kumar/ds

**(HARNARESH SINGH GILL)**  
**JUDGE**

Whether reasoned/speaking? Yes/No  
Whether reportable? Yes/No