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

CRWP-2849-2020

Date of decision : 01.09.2021

Mohd. Aamir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Case has been called twice. Neither any request has been made nor anybody has appeared on behalf of the petitioner.

Prayer in the present Criminal Writ Petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for the production of the alleged detainee as stated in the head note of the petition which as per the case of the petitioner, is his wife.

On 18.03.2020, when this case came up for hearing before the Coordinate Bench of this Court, the following order was passed:-

“It is contended that private respondents No.4 to 8, who are none else but family members of Tahira Bano, legally wedded wife of petitioner are illegally detaining her and she be got released from their custody.

Notice of motion for 31.03.2020.

Respondent No.2-Superintendent of Police, Nuh is

directed to get the residential houses of private respondents searched, so as to find out as to whether Tahira Bano is being illegally detained there, if so, to get her released immediately. Her statement in that regard be recorded, however, if she makes a statement that she is residing with her parents of her own without any pressure or force, then she may be allowed to remain there. Report in that regard be submitted to the Court by the next date of hearing.”

Learned counsel for the State has submitted that a detailed reply has been filed in the present case and alongwith the reply, the statement of the alleged detainee recorded under Section 164 Cr.P.C. has also been filed. As per the said statement, the petitioner as well as other persons have committed rape forcibly on the alleged detainee and she had not married Aamir with free her will and has further stated that in fact, she has married one Ash Mohammad resident of Khilluka, on 19.06.2019 and she has further stated in her statement that strict action be taken against Aamir-the petitioner and that she is residing with her parents out of her free will and thus, she does not want to reside with the petitioner.

Keeping in view the statement of the alleged detainee recorded under Section 164 Cr.P.C., the present Criminal Writ Petition stands dismissed.

01.09.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**