

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212-CRWP-4479-2021 (O&M)

Date of Decision: 27.05.2021

Om Prakash

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Vikas Malik, Advocate for the petitioner

Mr.Tapan Kumar, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The present criminal writ petition has been filed by the petitioner Om Parkash, *inter alia* with a prayer to issue a writ of *Habeas Corpus* directing respondents No.1 to 4 to immediately get the detenue Kiran w/o Jaj Ram released who is alleged to be in the illegal detention of respondents No.12 to 15.

This Court on 12.05.2021, while issuing notice of motion passed the following order:-

“In the peculiar facts and circumstances, the Registry is directed to appoint a Warrant Officer, who shall visit the premises as disclosed by the petitioner and search the whereabouts of the alleged detenue-Kiran. The petitioner may also accompany the Warrant Officer, who may contact the petitioner at mobile No.7015605155. If required, the Warrant Officer is also at liberty to take police help and record the statement of the detenue at the given address by the petitioner. The detenue-girl be made aware by the Warrant Officer and the police official that she may record her statement at her free will and without any fear. It is directed that in case the detenue

Kiran gives her statement that she has been illegally detained and is living against her wishes, she be got released and be sent to and with the present petitioner, if she so desires.

The fee of the Warrant Officer shall be determined by the Registry as per the Rules and borne by the petitioner.

The specific report of the Warrant Officer be also placed on record before the next date of hearing.”

Pursuant thereto, the Warrant Officer appointed by this Court has submitted the report dated 24.05.2021, the operative part of which reads as under:-

...I held separate conversation with the alleged detenue in the present of lady police official with regard to alleged detention. Alleged detenue disclosed that she has been confined here under pressure by her parents and is not allowed to go anywhere although she is not willing to stay there. In this regard statement of the alleged detenue has also been recorded which is attached as annexure P-1. In her statement alleged detenue expressed here willingness to go with the petition. As such her custody was handed over to the petitioner namely Om Parkash and we came back to the police Ghula fro there alleged detenue namely Kiran along with petition left the police in my presence...”

Learned counsel for the petitioner who is present via video conferencing states that she has given her consent to live with the petitioner.

In this view of the matter, no further orders are called for in the present petition and the same is disposed of. The report of the Warrant Officer is taken on record and is made part of the file.

27.05.2021

vishal shonkar

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No

(Girish Agnihotri)
Judge