

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

**CRWP No.4618 of 2021
Date of decision: 14.07.2021**

Pardeep Kumar

.....Petitioner (s)

V/s.

State of Haryana and another

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Fatehjeet Singh, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, Deputy Advocate General, Haryana.

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of a writ in the nature of Habeas Corpus to free the detainee namely Deepa who is stated to be wife of the petitioner, from the illegal custody of respondent Nos. 4 to 7.

Notice of the petition was issued on 19.05.2021 and the status report of the case was called for.

A status report has been filed by way of an affidavit of Mukesh Kumar, Deputy Superintendent of Police, Headquarter Karnal. It has been stated in the affidavit that as per the Aadhaar Card the date of birth of girl-Deepa is 04.11.2002 and, therefore she is major and raids were conducted at the suspected place where she was not found but on 13.05.2021 the girl was recovered from Gali No.3, Gobind Nagar, Zalalbad (Punjab) and she was kept on one Stop Centre, Karnal. On 14.05.2021 she was produced before the

Illaqa Magistrate, Karnal for recording her statement under Section 164 Cr.P.C but she denied for the same. On 15.05.2021 she was produced before learned Illaqa Magistrate, Karnal and she got her statement recorded before the learned Magistrate stating therein that on 09.05.2021, she had left her home with her own consent and now she came back to her own will and she wants to reside along with her parents. The statement under Section 164 Cr.P.C has been appended with the affidavit as Annexure R-1. Thereafter, the statement of the girl was recorded by L/HC Bunty Rai, Police Station Indri, Karnal in which she has categorically stated that on 09.05.2021 she had left the house at her own will and now she wants to reside along with her parents and she has further stated that she has not been kept in any illegal detention by respondent Nos. 4 to 7 and now she is residing with her parents happily.

Mr. Naveen Singh Panwar, learned Deputy Advocate General, Haryana has submitted that the girl has deposed before the Magistrate and also before the police that she is not being illegally detained by any one and she wants to live with her parents and since she is major, she has her right to live at the place of her own choice and, therefore, the present petition may be dismissed.

In view of the affidavit filed by the State and in view of the statement of the girl recorded before the learned Magistrate on 16.05.2021 no further interference is required in the present case.

The learned counsel for the petitioner has submitted that the statement was recorded prior to the filing of the present petition. However, the submission made by the learned counsel for the petitioner is not sustainable in view of the fact that no difference would be made as to whether the statement

was made prior to the filing of the petition or afterwards. Once a statement has been recorded before the learned Magistrate it can be safely believed and in which she has stated that she is happily living with her parents and she wants to live with them. The present petition is for seeking a writ in the nature of Habeas Corpus and this Court is to only see as to whether there was an illegal detention or not.

Keeping in view the statement given by the girl before the learned Magistrate, it cannot be said that the girl is in illegal detention.

Consequently, the present petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

14.07.2021
rakesh

whether speaking	:	<i>Yes/no</i>
whether reportable	:	<i>Yes/no</i>