

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

CR. WP No.5175 of 2021
Date of Decision:- 09.06.2021

Lalita

... Petitioner

Versus

State of U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ashu Kaushik, Advocate for the petitioner.

Mr. Rajiv Vij, Addl. Public Prosecutor for respondents.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of COVID-19 Pandemic.

2. Petitioner Lalita has filed this petition under Article 226 of the Constitution of India for issuance of a writ of habeas corpus to produce his son Sunny, who is stated to be illegally detained by respondent No.6 since 18th May, 2021.

3. On notice of motion. Mr. Rajiv Vij, Addl. Public Prosecutor, accepted notice on behalf of the respondents No.1 to 5.

4. On the last date of hearing Sunny son of petitioner appeared in the office of UT Counsel along with some police official and made oral statement that he is living separately from his mother of his own free will. On this the Addl. Public Prosecutor was given direction to send the copy of his statement through electronic mode by the next date of hearing. In compliance of the said order, the Addl. Public

Prosecutor has sent copies of the statements of Sunny and ASI Rajni Devi, Police Station Sector-36, Chandigarh along with the copy of adhard card of Sunny through electronic mode and the same are taken on record.

5. In his statement, Sunny has stated that petitioner is his mother and he left her house of his own free will in the month of May, 2021. He further stated that he was not illegally detained by anyone and presently he is living separately from his mother of his own free will and consent. He also prayed for dismissal of the present petition. ASI Rajni Devi in her statement stated that Sunny is living independently from his mother. He was not illegally detained by Chandigarh police or any other person during the month of May, 2021. She also prayed for dismissal of the petition.

6. Admittedly, Sunny is 22 years of age as his date of birth is recorded as 30.01.1999 in his aadhard card. It has come on record that he was not illegally detained by anyone as has been alleged by his mother in the present petition. Rather, he is living separately from his mother on his own and he is not willing to live with her.

7. In the light of the above, the present petition is hereby dismissed, being devoid of merits.

(KARAMJIT SINGH)
JUDGE

09.06.2021
PC

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No