

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH  
(Heard through VC)**

CRWP No. 8098 of 2020 (O&M)  
Date of Decision: 18.2.2021

Vakil

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. R.S. Randhawa, Advocate  
for the petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. H.P.S. Rahi, Advocate,  
for the detainee.

Mr. V.B. Godara, Advocate,  
for respondents No. 5 to 13.

**JAISHREE THAKUR, J.**

The petitioner herein by way of instant criminal writ petition under Articles 226/227 of the Constitution of India seeks issuance of a writ in the nature of habeas corpus for releasing the detainee, namely Shabana claiming herself to be his wife.

In brief, the facts as stated are that the petitioner and the detainee fell in love and desired to get married, but the same was opposed by the parents of the detainee. However, despite opposition, they performed *Nikah*, as per Muslim rites and customs at Ambala on 19.7.2020 and sought protection from this Court by filing a petition vide diary No. 4106520. However, since the parents of the detainee gave an assurance that the petitioner and the detainee would be married according to *shariyat*,

therefore, both of them went back without writ petition being listed. The petitioner thereafter tried to contact the private respondents to know about the whereabouts of his wife, but the respondents did not allow him to talk to his wife. Being aggrieved, the petitioner approached the concerned Police Station and made a representation to the S.H.O., but no action was taken thereon.

Learned counsel for the petitioner argues that having performed *Nikah*, the petitioner and the detinue are legally married couple and now his legally wedded wife is being restrained from joining his company and, therefore, prays for writ to be issued in the nature of habeas corpus.

Notice of motion of the said petition was issued and initially a reply was filed by the Deputy Superintendent of Police, Headquarters, Nuh, District Nuh, who submitted that the father of the detinue has also lodged an FIR No. 410 dated 26.7.2020 under Sections 363, 366, 376-D IPC and Sections 5 and 6 of the POCSO Act, at Police Station Kamma, District Bharatpur, Rajasthan, against the petitioner, in which statement of the detinue was recorded, wherein she confirmed that she wanted to marry Vakil—petitioner herein, and had performed marriage at Ambala. It was also stated that she was not raped by the petitioner, while further stating that she wants to reside with her husband and that she is under pressure of her parents to give a statement against the petitioner.

During the proceedings before this Court, a fresh reply by way of affidavit of Superintendent of Police, Tauru, was filed, wherein, the alleged detinue appears to have resiled from her previous statement and now stated that she wanted to reside with her father.

In view of the contradictory statements given and to rule out

any possibility of doubt, the detinue was directed to appear before this Court through Video Conferencing on 18.2.2021 from the office of the State counsel. Consequently, the detinue appeared through video conferencing from the office of Ms. Neeru Kamboj, Member Secretary, District Legal Services Authority, Nuh, as per the direction issued by this Court on 28.1.2021. This Court interacted with the detinue in which she in no uncertain terms denied having solemnized the marriage with the petitioner and also reiterated that she would like to continue reside with her father.

On the statement having been made, learned counsel for the petitioner does not press the instant petition while seeking liberty to take recourse to the legal remedy as available to him in law.

Disposed of as not pressed with the aforesaid liberty.

18.2.2021  
prem

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No