

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

219

**CRWP-9659-2021**

**Decided on : 25.10.2021**

Amir Khan

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

**PRESENT:** None for the petitioner.

Mr. Parveen Bhadu, AAG, Haryana.

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**VIKAS BAHL, J. (Oral)**

This is a Criminal Writ Petition filed under Articles 226 and 227 of the Constitution of India for issuance of a roving writ in the nature of Habeas Corpus for recovery of the detenue who is stated to be the wife of the petitioner.

On 07.10.2021, the following order was passed by this Court:-

*“This is a criminal writ petition filed under Articles 226 & 227 of the Constitution of India for issuance of roving writ in the nature of Habeas Corpus for recovery of detenue, who has been named in the head note of the petition.*

*Learned counsel for the petitioner has submitted that the petitioner is the husband of the alleged detenue and she is being illegally detained by respondents no.4 to 11.*

*Notice of motion.*

*On asking of the Court, Mr. Manish Dadwal, AAG, Haryana, appears and accepts notice on behalf of respondents no.1 to 3. A copy of the paper book be supplied to him during the course of the day.*

*The Superintendent of Police, Nuh (Mewat)-respondent no.2 is directed to get the statement of the alleged detenue, as named in the head note of the petition, be recorded before the concerned Duty Magistrate / Illaqa Magistrate / Chief Judicial Magistrate. The concerned Duty Magistrate / Illaqa Magistrate / Chief Judicial Magistrate, before whom, the statement is recorded would confirm the fact as to whether the said detenue is a major and after confirming the said fact would record her statement to the effect that as to whether she wishes to stay with her parents or with the petitioner. In case the detenue wishes to stay with the parents, then the custody be handed over to the parents and in case the detenue wishes to stay with the petitioner, then custody of said detenue be handed over to the petitioner. The concerned Duty Magistrate / Illaqa Magistrate / Chief Judicial Magistrate, before whom the statement is recorded would submit the statement so recorded of the detenue, in a sealed cover, before this Court before the next date of hearing.*

*Adjourned to 25.10.2021.”*

In pursuance of the said order, a report has been submitted by the Judicial Magistrate 1st Class, Ferozepur Jhirka, as per which it has been found that the detenue was born on 05.07.2001 and is thus, more than 20 years of age and is a major and she has given a statement that she wishes to reside with her husband i.e. the petitioner. The statement of the said detenue has also been received in a sealed cover and the said statement alongwith report is taken on record. The statement has also been read over in the Court today and as per the statement of the detenue, she was married to the petitioner about 3 months ago and was living with her husband and on 03.10.2021, the

family members of the detenue took her from the house of the petitioner when he was not present and thereafter, did not permit her to go to the house of the petitioner. Since, the detenue has expressed her desire to live with the petitioner, thus, in pursuance of the orders passed by this Court, the detenue has been sent with the petitioner.

In view of the above, the present petition has become infructuous and no further order is required to be passed.

Disposed of as infructuous.

**(VIKAS BAHL)**  
**JUDGE**

**25.10.2021**

*Mehak*

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No