

CRWP-10145-2020

Date of Decision:09.02.2021

Asloop

.....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

Mr. B.S.Virk, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks issuance of a writ in the nature of 'habeas corpus' directing the respondents to produce his daughter, namely Irfana, before the court.

On 05.01.2021, the following order had been passed, with learned counsel for the petitioner not present on that date:-

“Case heard via video conferencing.

Notice of motion having been issued to the respondent-State on 04.12.2020, a status report by way of an affidavit of the Deputy Superintendent of Police, Ferozepur Jhirka, dated 08.12.2020, is on record, giving therein the facts of the case (as per the investigation conducted).

Though in the said reply nothing has been stated with regard to the recovery of the girl, who is stated to be less than 18 years of age, however, learned State counsel on instructions from ASI Tek Chand, submits that she has in fact been recovered on 22.01.2020.

However, a request for an adjournment has been made by learned counsel for the petitioner through the coordinator of the video conference.

Adjourned to 09.02.2021.

To be shown in the urgent motion list, with it made clear that if counsel for the petitioner does not appear on that date also, the statement made by learned State counsel, on instructions, shall be accepted to be correct and the petition would therefore have been rendered infructuous.”

Today, Mr.Mohammad Arshad, Advocate, appears and submits that the petitioners' daughter has been sent to the protection home at Tauru, (District Nuh), with Mr. Virk, learned State counsel, submitting that in fact she made a statement before the learned Judicial Magistrate under the provisions of Section 164 of the Cr.P.C., to the effect that she had married the boy that she went with, namely Kamaluddin, and the marriage was performed of her own will.

That being so, learned counsel for the petitioner submits that the girl having been recovered, this petition has been rendered infrutuous.

Disposed of as such.

February 09, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO