

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.737 of 2019
Date of decision:01.07.2021

Jahid

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jangvir Singh Hooda, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Habeas Corpus directing the respondents to produce Ms. Mustakima daughter of the petitioner before this Court and also for giving her custody to the petitioner.

In response to the petition, reply by way of affidavit of Deputy Superintendent of Police, Head Quarter, Nuh, has been filed on behalf of the official respondents No.1 to 3, wherein, it has been *inter alia* deposed as under:-

“3. That in compliance of the order passed by the Hon'ble Court, it is respectfully submitted that the petitioner made a

complaint to the police for abducting/alluring his daughter by the respondent No.5 and his co-accused namely 2. Rehmudin 3. Sakirand 4. Imran, upon which FIR No.593 dated 19.07.2019 U/s 365/34 IPC was registered in Police Station, Nuh and investigation was conducted by the local police. The prosecutrix was recovered on 09.08.2019 by the local police and she was produced before the medical officer, but the prosecutrix declined to undergo her medico legally examination on 09.08.2019. She was also produced before Ld. Duty/Judicial Magistrate, Nuh on 09.08.2019, who recorded the statement u/s 164 Cr.P.C in which she has categorically stated that she has solemnized marriage with Sajid at her own sweet will and also wants to reside with him and she does not want to go with her parents. A copy of the said statement u/s 164 Cr.P.C is annexed as Annexure R-1. Therefore, taking into consideration the facts and deficient evidence which came forth during the course of investigation of the case, a cancellation report was prepared on 16.08.2019, which has been sent to the higher authorities to forward it to the Court of competent jurisdiction for acceptance of the same.

4. That it is also significant to mention here that after obtaining the letter bearing memo no.106259-60 dated 06.09.2019 by the office of Ld. Advocate General, Haryana, Chandigarh, an enquiry has been conducted by the local police

and prosecutrix was joined in the enquiry proceedings and her statement has been recorded in which she has categorically stated that she has solemnized marriage with Sajid (i.e. respondent No.5) at her own sweet will and wants to reside with him. A copy of her statement is annexed as Annexure R-2.”

State counsel submits that date of birth of the alleged detenue is 25.07.2000 and she is a major.

In view of the above, no orders are called for.

Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

July 01, 2021
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No