

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

**116**

**CRWP-10669-2020  
Date of Decision : 16.08.2021**

Arsad Khan .....Petitioner  
Versus

State of Haryana and others .....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Afzal Hussain, Advocate  
for the petitioner.

Mr. Sumit Jain, Addl. A.G. Haryana  
for respondents No.1 to 3.

Mr. Rakesh Gupta, Advocate  
for respondent No.4.

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**ARUN KUMAR TYAGI, J. (ORAL)**

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus directing respondents No.1 to 3 to search and get detenue-Dilsana, minor daughter of the petitioner, released from illegal custody of respondent No.4.

Vide order dated 23.12.2020 detenue-Dilsana was ordered to be kept in Deepalaya Children's Home, Gusbethi, Mewat and was so kept there but during pendency of the petition, detenue-Dilsana ran away from Deepalaya Children's Home, Gusbethi, Mewat.

Vide order dated 05.07.2021 respondents No.2 and 3 were directed to make strenuous efforts for tracing detenue-Dilsana and produce her before this Court.

Subsequently, vide order dated 02.08.2021 Superintendent of Police, Nuh and SHO, Police Station Punhana, Mewat were directed to remain present before this Court through video conferencing in case detainee-Dilsana was not traced and produced before this Court.

In compliance with order dated 02.08.2021 detainee-Dilsana has been produced before this Court through video conferencing by S.I. Suraj.

On being questioned, detainee-Dilsana has submitted that she has performed Nikaah (marriage) with respondent No.4-Mohd. Arif and had accompanied him out of her own free will but now she wants to live with her parents and does not want to go with respondent No.4-Mohd. Arif.

Learned State Counsel has submitted that FIR No.404 dated 10.10.2020 was registered under Sections 363 and 366A of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012 in Police Station Punhana, Mewat against respondent No.4 who has been arrested in the case and is now in judicial custody.

Learned Counsel for the petitioner has submitted that detainee-Dilsana wants to go with her father for living with her parents. Therefore, the petitioner does not want to continue with the present petition which may be disposed of as having become infructuous.

In view of statement of detainee-Dilsana, who has expressed her willingness to live with her parents, no further proceedings are required to be conducted on the present habeas corpus petition. Therefore, without going into the question of validity of

marriage of detenue-Dilsana with respondent No.4-Mohd Arif, custody of detenue-Dilsana is ordered to be handed over to her father-the present petitioner and the present petition is disposed of as having become infructuous.

However, the parties shall be at liberty to avail appropriate remedies in accordance with law.

A copy of this order be supplied to learned State Counsel and be also sent to In-charge, Deepalaya Children's Home, Gusbethi, Mewat for requisite compliance of this order and handing over the custody of detenue-Dilsana to her father-the present petitioner for living with her parents.

**16.08.2021**

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**(ARUN KUMAR TYAGI)**  
**JUDGE**

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |