

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

Date of Decision:02.02.2021

1. CRWP No.10717 of 2020(O&M)

Shamshad Ahmad

.....Petitioner

Vs

State of Punjab and others

.....Respondents

2. CRWP No.9121 of 2020(O&M)

Gurmeet and another

.....Petitioners

Vs

State of Punjab and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Petitioner in person in CRWP No.10717 of 2020.

None for the petitioners in CRWP No.9121 of 2020.

Mr. Bhupender Beniwal, AAG, Punjab.

RAJ MOHAN SINGH, J.

[1]. The case has been taken up for hearing through video conferencing.

[2]. Vide this common order, CRWP No.10717 of 2020 titled Shamshad Ahmad Vs. State of Punjab and others and CRWP No.9121 of 2020 titled Gurmeet and another Vs. State of Punjab

and others are being disposed of. Common facts are being noticed.

[3]. CRWP No.10717 of 2020 has been filed by Shamshad Ahmad father of Naaz Bano (petitioner No.2 in CRWP No.9121 of 2020) for issuance of an appropriate writ in the nature of habeas corpus for the release of aforesaid detenue Naaz Bano who is a minor aged 17 years, 7 months as on the date of filing of CRWP No.9121 of 2020. Petitioner alleged that Naaz Bano is a minor and has been kept in Aashiana Centre, Chandigarh illegally.

[4]. Petitioner prayed for her release being father of the minor. He further submitted that the detenue is a student of Government Industrial Training Institute, Majanpur, Kaushambi, Uttar Pradesh and FIR No.823 was registered on 26.10.2020 under Section 363 IPC at Police Station Majanpur, Kaushambi.

[5]. Notice of motion was issued on 21.12.2020. SHO, Police Station Zirakpur was directed to produce the alleged detenue Naaz Bano daughter of the petitioner in the Court through video conferencing on 06.01.2021. Naaz Bano was ordered to be kept in Aashiana Centre Chandigarh vide order dated 04.11.2020 passed in CRWP No.9121 of 2020. The aforesaid CRWP No.9121 of 2020 was filed by Gurmeet and Naaz Bano for protection qua their lives and personal liberties.

They alleged that they are living in live in relationship and owing to the threat perception from the private respondents, they ventured to file aforesaid protection petition in the High Court i.e. CRWP No.9121 of 2020. On 04.11.2020, following order was passed:-

“The matter is taken up for hearing through video conference due to COVID-19 situation.

Notice of motion for 26.11.2020.

Ms. Samina Dhir, DAG, Punjab appearing on advance notice accepts the same on behalf of respondents No. 1 to 3.

From the petition, it is evident that petitioner No. 2 is a minor and petitioner No. 1 is 19 years and 10 months old. It is pleaded that they are in live-in relation and there is an eminent threat from the relatives of the girl.

Learned counsel for the petitioners submits that the petitioners are at his house i.e. Flat No. 312, Lift No. 6, Onayxe Parasio Society, Patiala Road, Zirakpur.

Considering the facts, let the State of Punjab depute a police official immediately to take the girl to Ashiana Centre, Chandigarh and meantime look into threat perception of petitioner No.1 and take appropriate steps, if so required.

Before the next date, a police official of the level of Deputy Superintendent of Police be deputed to record the statements of the private respondents and to inform them about the next date.

4th November ,2020

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AVNESSH JHINGAN

JUDGE “

[6]. In pursuance of the said order, Naaz Bano was lodged in Aashiana Centre, Chandigarh. In CRWP No.10717 of 2020, the matter was taken up on 06.01.2021. Naaz Bano i.e. the alleged detainee was produced in the Court through video conferencing. During course of proceedings through video conferencing, she showed her desire to go to her parental house. The case was adjourned to 29.01.2021 i.e. the date fixed in CRWP No.9121 of 2020. The writ petition was ordered to be heard along with CRWP No.9121 of 2020.

[7]. Both the cases were taken up on 29.01.2021. On the request of learned State counsel, the case was adjourned to 01.02.2021. On 01.02.2021, Gurmeet (petitioner No.1 in CRWP No.9121 of 2020) appeared in person.

[8]. Since learned counsel for the parties did not appear before the Court, therefore, the case was adjourned to 02.02.2021.

[9]. Today, the petitioner in CRWP No.10717 appeared in person. Learned State counsel also produced on record photostat copy of status report in CRWP No.9121 of 2020, in which statements of petitioner No.1 of CRWP No.9121 of 2020

was recorded by the police in pursuance of order dated 04.11.2020. Statement of Gurmeet dated 18.11.2020 reads as under:-

“Stated that I am the resident of above given address and I filed a writ petition CRWP No.9121 of 2020 seeking protection. I wanted to marry with Najbano daughter of Shamshad Ahmad resident of Village Manjanpur, Tehsil Kosabi, Distt. Kosabi, UP with her consent but due to the age of Najbano being under 18 years, she was sent to Nari Niketan, Chandigarh. I have come present in connection with the writ petition filed by us in the Hon'ble Punjab & Haryana High Court at Chandigarh for protection. There is no danger to me from any person nor I need any security. Statement got recorded, heard and found correct.”

Police has also recorded joint statement of Ramkan son of Lal Man, Vinod Kumar son of Hari Singh and Rajinder Kumar son of Sher Singh residents of Abohar in the context of alleged relationship between Gurmeet and Naaz Bano.

[10]. Keeping in view registration of FIR No.823 dated 26.10.2020 under Section 363 IPC at Police Station Majanpur, Kaushambi, I deem it appropriate to direct SHO, Police Station Zirakpur and Incharge/Superintendent, Aashiana Centre, Chandigarh to hand over the custody of Naaz Bano (minor) to the SHO of Police Station Majanpur, District Kaushambi (UP) for

her onwards production before the competent Court in Kaushambi. Father of Naaz Bano i.e. Shamshad Ahmad would be at liberty to seek custody of Naaz Bano in the aforesaid FIR from the competent Court at Majanpur, District Kaushambi (UP). SHO, Zirakpur shall inform the SHO of Police Station Majanpur District Kaushambi (UP) to take custody of Naaz Bano forthwith and produce her before the competent Court in Majanpur, Kaushambi, so as to enable Shamshad Ahmad to seek her custody in accordance with law. So far as, CRWP No.9121 of 2020 is concerned, petitioner No.1 therein i.e. Gurmeet had already made a statement before DSP, Abohar on 18.11.2020 that there is no danger to him from any person and he needs no security, therefore, CRWP No.9121 of 2020 is disposed of as no further order is required to be passed. Law will take its own course in FIR No.823 dated 26.10.2020 registered at Police Station Manjanpur, District Kaushambi (UP).

[11]. In the light of observations made hereinabove, both the petitions stand disposed of.

02.02.2021

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No