

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

CRWP No.11005 of 2021 (O&M)

Date of Decision:30.11.2021

Ajay

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Naveen Kumar, Advocate  
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Prateek Rathi, Advocate  
for respondents No.5 to 9.

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**JAISHREE THAKUR, J. (ORAL)**

This is a petition that has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of habeas corpus ordering release of wife of the petitioner namely Muskan d/o Jagbir Singh from illegal custody of respondents No.5 to 9.

Learned counsel appearing on behalf of the petitioner herein would contend that marriage between the petitioner and the alleged detainee Muskan, daughter of respondent No.5, was solemnized on 07.10.2021 at Arya Samaj Mandir Trust (Regd), New Delhi against wishes of private respondents. The petitioner herein belongs to Scheduled Caste whereas the said Muskan belongs to Jat community. After marriage, petitioner and the detainee started residing at Sohna Road, VPO Badshahpur, District Gurgaon, Haryana as husband and wife. However, in the month of November, 2021, petitioner and the detainee received numerous phone calls from respondent

No.4 on mobile number of one Sudhir, who had facilitated the marriage of the petitioner and the detenue, to get statement of the detenue recorded as the private respondents made a complaint to the police of theft of jewellery and cash against her. On 10.11.2021, detenue accompanied the police official to Police Station Akbarpur, Rohtak for recording statement, however, she did not return thereafter. It is further submitted that on 15.11.2021, detenue told the petitioner that since their marriage was solemnized against wishes of private respondents, they are now planning to get her forcibly married to some one else. Hence, present petition has been filed for handing over custody of the detenue to the petitioner, being her husband, from the illegal detention of private respondents.

Pursuance to the notice of motion issued, reply by way of affidavit of Mahesh Kumar, HPS, Dy. Superintendent of Police, Rohtak has been filed on behalf of respondents No.1 to 4, which is taken on record. As per reply, on 20.11.2021, respondent No.5 i.e. father of the alleged detenue-Muskan produced her before the investigating officer and thereafter, her statement was recorded before JMIC, Rohtak under Section 164 Cr.P.C. wherein she stated that on 28.09.2021 she left house on her own volition and solemnized marriage with the petitioner on 07.10.2021. It is further stated that now she has returned back out of her own will as the petitioner did not get any job and wants to stay with her parents.

In pursuance to order dated 18.11.2021, the alleged detenue namely Muskan appears in the Court in person under police protection and on asking of this Court whether she wants to join the company of her husband, she replied in negative and states that she wants to live with her

parents.

I have heard learned counsel for the parties and have perused the paper book. Keeping in view the reply filed by the respondent-State and the statement made by the alleged detenue-Muskan in the court that she does not want to join the company of the petitioner, no further orders are called for in the instant petition.

Consequently, the instant petition stands dismissed as having been rendered infructuous.

November 30, 2021  
Pankaj\*

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No