

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-653-2022

Date of Decision: 25.01.2022

MOHAMMAD VARISH AND ANOTHER

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Talim Hussain, Advocate, for the petitioners.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 226 of the Constitution of India seeking a direction to respondent Nos. 1 to 3 for the protection of life and liberty of the petitioners.

The learned counsel for the petitioners has submitted that petitioner No.1 namely Mohammad Varish had earlier filed Criminal Writ Petition No.10169 of 2021 seeking a writ in the nature of habeas corpus for the release of petitioner No.2 namely Tanjila who was stated to be in the custody of the private respondents.

Notice was issued in that case and the State had taken up a stand that petitioner No.2 who was detenue in that case was produced before the learned Illaqua Magistrate, Ferozepur Jhirka and her statement was recorded where she had voluntary made a statement that she had

married with petitioner No.1 but family members had forcibly taken her away from petitioner No.1 and petitioner No.2 was at that point residing at Dipalya Children Home because she was a minor. Since the parties were governed by the Muslim law and petitioner No.2 had already attained the age of puberty, in the aforesaid petition, this Court had directed that petitioner No.2 will be at liberty to make appropriate application before the Child Welfare Committee, Nuh as well as Dipalya Children Home for her release in view of the fact that she has already attained the age of puberty and it was further directed that in case such an application is moved, then petitioner No.2/detenué of that case shall be set at liberty so as to enable her to live with her husband who is petitioner No.1 in the present case.

The learned counsel for the petitioners has submitted that thereafter in pursuance of the orders passed by this Court, petitioner No.2 was released from Dipalya Children Home and now she is residing with petitioner No.1 but there is an imminent threat from the private respondents who are the relatives of petitioner No.2 because they are not happy with the marriage and on the earlier occasion also they had forcibly taken away petitioner No.2 with them. He further submitted that the scope of the present petition is confined only to the extent of protection of the lives of the petitioners.

Notice of motion to respondent Nos. 1 to 3 only.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana accepts notice on behalf of the aforesaid respondents and states that he has no objection in case appropriate directions are issued to respondent No.2 that in case there is any threat perception to the petitioners, then appropriate action may be taken in accordance with law.

I have heard the learned counsel for the parties.

The present petition can be disposed of at this stage in view of the factual position aforesaid.

The petitioners have confined the scope of the present petition only to the extent of protection of their lives. Since the petitioners have expressed their apprehension with regard to threat of their lives particularly in the background stated by the learned counsel for the petitioners, it will be just and expedient to direct respondent No.2 to consider the threat perception of the petitioners and in case, it is so required, then appropriate action shall be taken in accordance with law.

The present petition is disposed of accordingly.

25.01.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No