

**PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

233

CRWP-1399-2022

Date of Decision: 18.04.2022

JAWAHAR SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Suresh Verma, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed by the petitioner-father of the minor girl under Articles 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for recovery of his minor daughter.

Status report by way of affidavit of Ravcharan Singh Brar, Joint Commissioner of Police (Rural), Ludhiana dated 16.03.2022 has filed. Copy thereof has already been furnished to the learned counsel for the petitioner.

It is apparent that the alleged detainee was recovered and she got her statement recorded to the effect that she had gone with respondent No.4 against whom a case FIR No.225 dated 18.09.2021 had been registered at Police Station: Moti Nagar, Ludhiana for the offence under Sections 363 and 366-A of the IPC. The detainee also stated that she has not been subjected to any physical relationship by the said respondent No.4. Custody of the detainee was handed over to the petitioner and his wife. Respondent No.4 was also taken into custody, but, later on, he was released on bail being a juvenile. Final report under Section 173 of the Cr.P.C. had also been filed against the respondent No.4 and trial before the Court was

stated to be fixed for 17.03.2022.

However, on 25.02.2022, the petitioner made yet another statement that the respondent No.4 has enticed away his daughter and FIR No.33 dated 25.02.2022 has again been registered at police Station Moti Nagar, Ludhiana against the respondent No.4 on account of a fresh cause of action, for the offences under Section 363 and 366-A of IPC.

It is pointed out that SIT has already been constituted to trace the whereabouts of petitioner's daughter and also to conduct raid at the native place of respondent No.4. It has also been stated that all efforts shall be undertaken to trace out the daughter of the petitioner.

In this view of the matter, it does not seem prima facie that the girl (daughter of the petitioner) has been illegally detained and it appears that she has voluntarily gone into hiding. Hence, any continuation of the present proceedings for habeas corpus would not serve any purpose. No further directions are called for in the instant matter and the same is, hereby, dismissed as not pressed, at this stage.

The learned counsel appearing on behalf of the petitioner would, however, be at liberty to take such appropriate steps or to move an appropriate application bringing on record any new development or facts as may come to his notice as would necessitate revival of the instant petition.

Dismissed as not pressed at this stage with liberties as above.

(VINOD S. BHARDWAJ)
JUDGE

18.04.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No