

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

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**CRWP-1482-2022 (O&M)
Date of decision: 25.04.2022**

BALISTER

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

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

Present : None for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Maninder Singh Saini, Advocate
for respondent Nos.5 and 7.

VINOD S. BHARDWAJ. J. (ORAL)

Instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *habeas corpus* for appointment of Warrant Officer to produce the detenue namely Nidhi claimed to be aged 17 years (minor) and alleged to be in the illegal custody of the private respondents.

Counsel for the petitioner has chosen not to join the proceedings.

Additional status report by way of affidavit of Pardeep Kumar, HPS Deputy Superintendent of Police, Samalkha, District Panipat has been filed in the Court. The relevant extract of the same reads thus:-

- i. That the alleged detenue and Shushobit have appeared before the police on 13/03/2022 and recorded their separate statements to the effect that they have no apprehension to their life and liberty at the hands of anyone and they do not want to take any legal action against the members of their family and further stated that they have no need of the police protection as they have voluntarily solemnized marriage with each other. Their statements are enclosed with reply as*

Annexure R-1 (colly) for the kind perusal of this Hon'ble Court.

- ii. That the petitioner Balister and his wife Bablta have voluntarily recorded their separate statements on 07/04/2022 that they will not cause any hurt to the girl and Shushobit and further stated that they have no objection with their marriage. Their statements are enclosed with the reply as Annexure R-2 (colly) for the kind perusal of this Hon'ble Court.*
- iii. That the girl was produced in the Court of Ms. Jogindri, Ld. Duty/Sub Divisional Magistrate, Samalkha where she voluntarily recorded her statement between her u/s 164 Cr.P.C. that she has left her parental home with her consent and solemnized marriage with Shushobit with her free will and consent and she wants to reside with him. The statement u/s 164 Cr.P.C. is enclosed with reply as Annexure R-3 for the kind perusal of this Hon'ble Court.*
- iv. That on the basis of facts and evidence brought on the police file, statement u/s 164 Cr.P.C. of the girl, investigation carried out by the police and verification of the investigation by the Superior Officers, no truth was found in the allegations levelled in FIR No.95 Dt.04/2/2022, u/s 363, 366 of I.P.C., P.S. Samalikha and thus the cancellation report was prepared in the same/FIR on 05.04.2022. The report u/s 173 CrPC is enclosed with reply as Annexure R-4 for the kind perusal of this Hon'ble Court.*

It is apparent from a perusal of the facts narrated above as also from the documents appended by the respondent in CRWP-1569-2022 that Nidhi (daughter of the petitioner) was 18 years of age on 02.02.2022. It was thus an incorrect declaration made by the petitioner in the instant petition and also noticed at the time of advancing arguments. It is also evident that the parties have seemingly resolved their issues and as such, the Court does not intend to

pass any punitive orders against the petitioner for having deliberately sworn wrong facts and making a pleading which was known to the petitioner to be incorrect.

The instant petition is accordingly dismissed as not pressed in view of the additional status report filed by the respondent-State.

(VINOD S. BHARDWAJ)
JUDGE

April 25, 2022

S.Sharma(syr)

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