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

**CRWP-2672-2022
Date of Decision: 18.10.2022**

SAHJADA

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of Habeas Corpus for releasing detainee namely Khursidan who is stated to be sister of the petitioner from the illegal custody of private respondents No. 4 and 5.

The present petition was filed seeking release of the aforesaid detainee in which notice of motion was issued by this Court on 24.03.2022. On the last date of hearing i.e. 18.08.2022, nobody had caused appearance on behalf of the petitioner. The same is the position today. Therefore, this Court would proceed with the present case in the absence of the learned counsel for the petitioner on the basis of the affidavit filed by the State and also on the basis of the pleadings.

Mr. Surinder Kumar Dagar, learned DAG, Haryana has

submitted that an additional affidavit has been filed by the Deputy Superintendent of Police, Punhana on behalf of respondents No.1 to 3 and while referring to the aforesaid affidavit, he submitted that in the present case, an FIR bearing No.82 dated 27.03.2022, under Section 346 IPC was registered at Police Station Pinagwan, District Nuh on the complaint filed by the petitioner alleging that his sister went away with Juber and Ikmina i.e. respondent Nos. 4 and 5 and did not return. The police searched the aforesaid girl and thereafter, raid was conducted at the house of Juber but she could not be found. On 18.08.2022, the aforesaid Khurshidan was produced in the police station by her father namely Israil and her medico-legal examination was also conducted and her statement under Section 164 Cr.P.C was also recorded wherein she stated that on the morning of 26.03.2022 without intimating anybody she had gone from her paternal house to her husband Izakat who lives in Garhi (Rajasthan). Thereafter, she was handed over to her father Israil. The statement of the aforesaid Khurshidan has also been annexed as Annexure R-1. Learned DAG, Haryana has submitted that the girl is of the age of 24 years and from the facts and circumstances it has come forth that she had gone to her husband namely Izakat on her own will and, therefore, cancellation report was prepared by the SHO on 20.08.2022 which is under consideration with the Senior Officer. He submitted that since the aforesaid Khurshidan is not in illegal custody of anybody, the present petition is therefore liable to be dismissed.

I have heard the learned counsel for the State.

As per the affidavit filed by the State, the aforesaid Khurshidan is not in the illegal custody of anybody and rather she is living with her father.

In view of the aforesaid facts and circumstances, no further proceedings are called for.

Consequently, the present petition is dismissed.

18.10.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No