

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-W Nos. 576 & 577-2022 in/and  
CRWP-4297-2022

Date of Decision: 17.08.2022

Sanjay Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

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

Mr. M.S. Nagra, Assistant Advocate General, Punjab.

None for respondent No. 5.

**ASHOK KUMAR VERMA, J. (ORAL)**

Reply dated 13.07.2022 to the application moved by applicant-respondent No. 5 under Section 195 read with Section 340 Cr.P.C. (CRM-W577-2022), filed on behalf of non-applicant/petitioner is taken on record.

Prayer in this Criminal Writ Petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C., is for issuance of a writ in the nature of *habeas corpus* for seeking release of detainee, namely, Pooja Rani W/o Sanjay Singh (petitioner herein) D/o Krishan Kumar, who is alleged to have been illegally detained by respondents No. 5 to 7.

Briefly, the petitioner had solemnized marriage with detainee-Pooja Rani D/o Krishan Kumar as per Hindu rites and ceremonies on 13.08.2021. The said marriage was not acceptable to

private respondents No. 5 to 7. Respondents No. 5 to 7 in connivance with respondent No. 4-ASI Balvir Singh, got the petitioner arrested under Section 10 of the Prohibition of Child Marriage Act, 2006, though the petitioner and his wife-Pooja, were both major at the time of solemnization of marriage. Due to threat perception, the petitioner and detainee filed a petition seeking protection to their life and liberty before District Courts at Kaithal, where statements of private respondents have been recorded to the effect that they are not against the marriage and accordingly, FIR No. 89 of 2021 registered under Section 346 IPC was closed and untraced report was submitted by the Investigating Officer-respondent No. 4. The copies of relevant statements and the order passed by the Illaqa Magistrate, have been appended with the petition as Annexures P-2 to P-4. After withdrawal of the protection petition, respondents No. 5 to 7 again started pressurizing the detainee to break the marriage. On 12.04.2022, mother of detainee-Pooja made a phone call that her grand mother is seriously ill and when the detainee reached the Rajindra Hospital, she was abducted by the said respondents and the petitioner was arrested by respondent No. 4 again in the aforesaid FIR which was closed earlier. The petitioner was released on bail on 29.04.2022 and thereafter, he made an attempt to contact with his wife, but he has not been allowed access by the private respondents. Hence, the present petition.

In compliance of orders dated 06.05.2022 and 17.05.2022, detainee-Pooja, was produced in Court on 19.05.2022 and she had submitted that she does not wish to stay at her maternal house and would

like to stay with the petitioner. She also stated that she apprehends threat to her life and liberty from the private respondents. A separate statement in this regard was also got recorded on the said date which was duly signed by the detinue and counsel for the respective parties as well. The detinue was set at liberty to go the place of her choice on the said date and the authorities are directed to ensure the safety of the petitioner as well as the detinue.

Learned counsel for the petitioner submits that the detinue is living happily with her husband-Sanjay Singh (petitioner herein), therefore, the instant petition may be disposed as the grievance of the petition has been redressed. No case of perjury is made out against the petitioner.

In view of the above, the instant petition is disposed of being fully satisfied. Liberty is also granted to respondent No. 5 to take recourse to the alternative remedy under Section 195 read with Section 340 Cr.P.C. and any other appropriate remedy , in accordance with law.

Since, the main petition stands disposed of, therefore, no separate order is required to be passed in the miscellaneous applications i.e. CRM-W Nos. 576 and 577-2022 and the same are also deemed to be disposed of.

**August 17, 2022**  
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**(ASHOK KUMAR VERMA)**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable**

**Yes/No**