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

CRWP-5827-2022

Date of Decision: 21.09.2022

Sonu

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Chander Shekhar Singhal, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of a writ in the nature of Habeas Corpus for the appointment of a Warrant Officer and directing respondent No.6 to produce the detainee, namely, Mewa, who is the wife of the petitioner before this Court.

After the notice of motion was issued, the State has already filed reply dated 07.07.2022. A Co-ordinate Bench of this Court had directed the Investigating Officer of District Jhunjhunu, Rajasthan to produce the detainee, namely, Mewa Devi, who is stated to be 17 years of age. Today, the aforesaid detainee, namely, Mewa Devi and her father has been produced in the Court by S.I. Madan Lal, Police Station Khetri, District Jhunjhunu, Rajasthan, who has come from the Rajasthan and has stated that he identifies the detainee and her father.

The present writ petition has been filed by the petitioner-Sonu

by stating that the detainee, namely, Mewa Devi is his wife and she has been illegally detained by respondent No.6 which is Nari Niketan at Rajasthan. As per the affidavit, filed by the State, on the basis of information given by the father of the detainee an FIR No.282 dated 05.06.2022 was lodged against the petitioner under Sections 363 & 366-A IPC and earlier the statement of detainee had got recorded before the Illaqa Magistrate of Rajasthan in which she stated that she got married with the petitioner on her own will and she does not want to go with her parents and wants to stay with the petitioner but after the lodging of the FIR, the detainee was lodged in respondent No.6-Nari Niketan, from where, she was released after seven days and now she is living with her father and as per the learned State counsel she was produced by the concerned Police Officer of Rajasthan from the house of the father of the detainee. Both the detainee and her father are present in Court.

This Court during the proceedings has specifically asked the girl that what is her age, she stated that her age is 17 years and on another question being asked to the detainee that whether she wants to go with her husband, who is the petitioner or with her parents, she specifically stated that she wants to go and stay with her parents and not with the petitioner.

In view of the aforesaid position, nothing survives in the present case since the girl has already been produced in the Court and she is already living with her father with her own will. Therefore, the present petition is hereby dismissed.

21.09.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

1. Whether speaking/reasoned:
2. Whether reportable:

Yes
Yes/No