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

**CRWP-8475-2021
Date of Decision: 02.09.2022**

Sunita

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None with for the petitioner.

Mr. Surender Kumar Dagar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Habeas Corpus for appointment of a Warrant Officer and to search the detenue namely Anu, daughter of the petitioner.

Notice of motion was issued by this Court on 06.09.2021 and the State has already filed reply in the present case. On the last two dates nobody had caused appearance on behalf of the petitioner and even today also nobody has caused appearance on behalf of the petitioner.

In view of the aforesaid position, this Court will proceed with the case even in the absence of the learned counsel for the petitioner on the basis of the affidavit filed by the State and the submissions made by the learned State counsel.

The grievance of the petitioner was that her daughter is in illegal custody of respondent No.4 who is her aunt (Mausi). As per para No.4 of the affidavit, an inquiry was conducted by the police and the statement of the petitioner Sunita was got recorded under Section 161 Cr.P.C wherein she stated that on tracing out her daughter namely Anu she was asked with whom she wants to reside and then her daughter even in the presence of the petitioner refused to go with the petitioner and rather desired to go with her Mausi i.e respondent No.4 and therefore, the detenue was handed over to her Mausi i.e respondent No.4 and the petitioner also stated that she is satisfied that her daughter went to her sister and during this period no mis-happening had occurred with her daughter and she got registered the case for search of her daughter and she stated that her daughter has been traced out and the said case be cancelled and she has no objection for the same.

In view of the aforesaid position where the petitioner herself has stated that during inquiry by the police that she is satisfied that her daughter is with respondent No.4 voluntarily and no further action is required in the present petition and therefore, the same is hereby dismissed.

02.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No