

Sr.No.115

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

CRWP-8245 of 2020(O&M)

Date of decision:24.02.2022

Nand Kishore

... Petitioner

versus

State of Punjab and others

... Respondents

Coram: Hon'ble Mr. Justice Amol Rattan Singh

Present: Mr. Ferry Sofat, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Amol Rattan Singh, J.(Oral)

Case heard by way of video conferencing.

By this petition, the petitioner seeks the issuance of a roving writ in the nature of habeas corpus directing the respondents to produce and release the alleged detainee, “Gitanjali Kumawat wife of Nand Kishore and daughter of Gajanand Kumawat”. He also sought a direction that a warrant officer be appointed to effect the release of the 'detenue' from the “illegal custody/detention of respondents no.4 to 6” or to search any other place as pointed out by the petitioner at that time, in the peculiar facts and circumstances of the case.

On 15.02.2022 the following order was recorded by this court:-

“Case heard via video conferencing.

It being well past 4:00 p.m., none appears for the petitioner, with it also to be noticed that as per the report of the Registry notices could not be issued to respondents no.4 and 5 for want of process fee. As per the reply filed on behalf of the respondent State by the DSP, Amloh, an ASI

visited the house of respondents no.4 to 6 and recorded the statements of the alleged detainee, i.e. Gitanjali, who stated that she was a minor on 19.04.2018 and was enticed away by the petitioner on the pretext of marriage and thereafter was brought to Mandi Gobindgarh, with her age having been verified from her matriculation certificate.

Consequently, FIR no.157, dated 20.04.2018, had been registered at Police Station Kotwali Neem Ka Thana, District Sikar (Rajasthan), alleging therein the commission of offences punishable under Sections 344, 363, 366-A, 376(2) of the IPC, as also Section 3/4/7/8 of the POCSO Act.

The Rajasthan Police is stated to have got recovered the girl from the house of the brother-in-law of the petitioner at Mandi Gobindgarh, with the petitioner also having been arrested and with the aforesaid girl thereafter having resided with her parents of her own free will even after she attained majority.

In fact, thereafter her marriage has also been solemnized with another person, also living in Rajasthan.

Though there would be nothing surviving at all in this petition, however, simply because the turn has come up well after 4:00 p.m. and counsel for the petitioner is not present, adjourned to 24.02.2022.

To be shown in the urgent motion list.”

Learned counsel for the petitioner today appears and submits that in view of the statement made by the girl herself as per the written reply, he does not press this petition.

Dismissed as withdrawn.

24th February, 2022

[AMOL RATTAN SINGH]

Shivani Kaushik

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No