

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

CRWP-8036-2022

Date of decision: 16.09.2022

Govind

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
with ASI Nisha.

NAMIT KUMAR, J. (ORAL)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus with a roving writ directing respondents No.1 to 3 to produce the detenue Muskaan wife of the petitioner, who is in illegal custody of respondents No.4 to 7.

In pursuance to notice of motion issued on 23.08.2022, status report by way of an affidavit of Suresh Kumar, HPS, Assistant Commissioner of Police, Manesar, Gurugram has been filed on behalf of respondents No.1 to 3, which is taken on record.

In paras 4 to 8, it has been mentioned as follows:-

4. That further on 22.08.2022, respondent No. 4 presented his daughter to the investigating officer. The statement under section 164 CrPC of the detenue Muskan was got recorded before the learned Illaqa Magistrate, Gurugram on 23.08.2022 where she made her statement that she has got marriage with Govind at Pataudi Court with her own free will and she wants to reside with her husband Govind and she has danger from her family.

5. That the medical examination of the detenue Muskan was got conducted at General Hospital Gurugram on 23.08.2022 under Haryana Mredico Legal Act 2012, however, before the medical officer the detenue Muskan refused for her medical examination.

6. That further the father of the detenue Muskan i.e. respondent No. 4 has given in written that his daughter is adult and she has married with Govind with her own free will as such he and his family has no objection. Further in future there will be no harm from their side and in future they do not want to have any relations with his daughter. She married of her own free will, wherever she is, they don't mind.

7. That the detenue Muskan was recovered from her father and has been handed over to the petitioner on 23.08.2022. The petitioner submitted in written, that his wife is with him and now they have no need for police protection. He further stated that he is responsible to produce his wife before the Hon'ble High Court on 16.09.2022.

8. That the date of birth of the detenue Muskan has been verified from Government High School Baghanki, Gurugram and the Headmaster of the school has verified that as per school record the date of birth of the detenue Muskan is 15.04.2004.

The detenue, namely, Muskan is present in Court and stated that she wants to live with his husband, namely, Govind, petitioner herein.

In view of the above, the instant petition has been rendered infructuous and the same stands disposed of accordingly.

16.09.2022

ps-I

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No

(NAMIT KUMAR)
JUDGE