

280
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-8101-2022 (O&M)
Date of Decision: 31.08.2022

Manju Bala

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dhawaljeet, Advocate with for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure seeking a writ in the nature of Habeas Corpus for directing the official respondents to get release detainee namely Meena Kumari wife of Rohit Sagar which according to the petitioner has been abducted by the police officials i.e. respondent Nos. 3 to 5 at the instance of respondent Nos. 6 and 7.

This Court on 25.08.2022 appointed a Warrant Officer on the basis of the submissions made by the learned counsel for the petitioner. A report of the Warrant Officer has been received in which it has stated that the petitioner namely Manju Bala alongwith her husband met the Warrant Officer and informed that respondent Nos. 5 and 6 i.e. mother and father of the detainee have left their residence and there is no one and therefore, they had to

go to Jalandhar Cantt. where the aunt of the detenue lives. Thereafter, they went to Jalandhar Cantt and there also the detenue was not found. Thereafter, the Warrant Officer went to the Police Station Cantt, Commissionerate of Jalandhar and sought police assistance and went to aunt's house but she was not found there also. Thereafter, they went to uncle's house and from there also she was not found. Thereafter, the Warrant Officer went to the police station and met the SHO namely Gurmeet Singh who was available in his room and asked about the whereabouts of detenue. He informed that the mother of the detenue namely Kirna has lodged a complaint against the son of the petitioner who is stated to be husband of the detenue namely Rohit @ Romi and consequently, an FIR was lodged under Sections 363 and 366 IPC. Thereafter, the aforesaid detenue namely Meena Kumari was recovered from the house of the petitioner and produced before the Magistrate and her statement under Section 164 Cr.P.C was also recorded and she was handed over to her parents. He was further informed by the SHO that the son of the petitioner is involved in as many as 25 FIRs.

On the other hand, Mr. Shiva Khurmi, learned Assistant Advocate General, Punjab on instructions from ASI Gurdeep Singh has submitted that on the basis of the complaint received by the mother of the detenue the girl has already been recovered from the house of the petitioner and on the basis of recording of her statement before the Magistrate, she was handed over to her parents and she is now with her parents.

On 30.08.2022 this Court had directed the police to produce the girl before this Court through some lady officials. Today, the girl has been brought to this Court through the lady police official.

At the outset, this Court has requested a lady counsel who was present in the Court to take the girl in the chamber and to ascertain as to what was her intention as to whether she wanted to go to the petitioner or to her parents wherein she stated very confidently that she wants to go to her parents. The learned State counsel has further informed this Court that when the detainee got recorded her statement under Section 164 Cr.P.C before Magistrate, she had categorically stated that she was forced to marry with Rohit and thereafter, she was being harassed by her husband and her mother-in-law and being fed up, she wanted to go to her parents and thereafter when the police party raided the premises of the petitioner, then she was recovered and handed over to her parents and she wishes to live with her parents now.

Since the present petition has been filed seeking grant of Habeas Corpus and the detainee has already been produced before this Court who has now stated that she is living with her parents and she wants to continue to live with her parents, no further action is required in the present petition.

In view of the aforesaid position, the present petition is hereby dismissed.

At this stage, the lady police officials who accompanied the girl shall ensure that the girl is again handed over safely to her parents at Gurdaspur.

31.08.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)**JUDGE**

: Yes/No
: Yes/No