

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

CRWP No. 9696 of 2022 (O&M)

DECIDED ON: 11th November, 2022

Anil Kumar

.....PETITIONER

VERSUS

State of Haryana and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Ms. Vibha Dhiman, Advocate for petitioner.

Mr. Gurmeet Singh, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This writ petition in the nature of Habeas Corpus was filed for release of Archana (detenue)

As per the pleading, the petitioner and the detenue wanted to solemnise the marriage but the parents of the detenue were not agreeing and had illegally detained her.

On 10.10.2022 following order was passed:

"The Writ petition in the nature of Habeas Corpus is filed for release of detenue-Archana.

Notice of motion to respondents No. 1 to 3 at this stage.

On advance notice, Mr. Gurmeet Singh, Assistant Advocate General, Haryana, appears and accepts notice on behalf of respondents No. 1 to 3.

Considering the sensitivity of the matter, let the Deputy Superintendent of Police concerned along with a lady Constable go in plain clothes and ensure the presence of the detenue before the Illaqa Magistrate for recording of her statement under Section 164 Cr.P.C.

In case it is found that there is illegal detention, in that case the Illaqa Magistrate will taken appropriate steps to ensure release/safety of the Detenue.

Learned State counsel shall file the status report.

Put up on 13th October, 2022."

Statement of detainee was recorded by Judicial Magistrate 1st Class, Sonipat, wherein she stated that she was not kept in confinement by the family members, she wants to perform marriage with the petitioner and wants to go with the petitioner. The Magistrate ordered that she be kept in safe house as she does not want to go with her parents.

In view of statement recorded by the detainee, it is not a case of illegal detention.

No interference is called for in the writ petition.

However, considering that the detainee was kept in safe house, she be released after completing the formalities and the Haryana Police will ensure that she safely reaches the place where she wants to go.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

11th November, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>