

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

(Heard through VC)

CRWP No.12216 of 2021 (O&M)

Date of Decision: February 10, 2022

Manjeet

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Z.S. Chauhan, DAG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant criminal writ petition has been filed under Article 226/227 of the Constitution of India seeking for issuance of a writ in the nature of *Habeas Corpus* and for appointment of a Warrant Officer, with a roving writ to search for detenue-Monika at the premises of private respondents and to get the said detenue released with her belongings from the illegal, arbitrary custody/detention of the private respondents.

Notice of motion was issued in this matter on 23.12.2021 and the respondent-State sought time to file reply. On 14.01.2022, a status report was filed by the respondent-State stating therein that the detenue in her statement had stated that she is residing voluntarily with her parents.

The said status report furnished by the respondent-State was controverted by the counsel for the petitioner, by submitting that the said statement had been recorded in the presence of her parents and therefore, the said statement, as recorded, is not out of free will of the detainee.

Under these circumstances, this court had directed the respondent-State to produce the detainee in court along with lady constable through the medium of video conferencing from the office of the State counsel appearing before this court on 10.02.2022 viz. today.

Today, said detainee-Monika has been produced through the medium of video conferencing by the State counsel and the said detainee, as informed by the State counsel, is accompanied by Lady Constable Jyoti and Sub Inspector Naveen.

When this court has asked detainee-Monika as to where she would like to go as per own sweet will, then detainee-Monika replied that she would like to go to the house of her husband i.e. the petitioner herein.

On this, when the counsel for the petitioner has been asked as to how and where, the custody of the detainee-Monika can be handed over to the petitioner, then the counsel for the petitioner stated that the petitioner would like to take the custody of detainee-Monika from this Court.

When the State-counsel has been asked in this regard, then he stated that the Lady Constable Jyoti and SI Naveen accompanying the detainee, will surrender the custody of the detainee to the petitioner in the Police Post situated in this Court, to which suggestion counsel for the petitioner acceded to.

At this stage, counsel for the petitioner raises an apprehension

that since the father of the detinue is serving in the Haryana Police, it would be very difficult for the petitioner and the detinue to reach village Babail, District Panipat from this Court and in the way to the Panipat, there is an apprehension that the father, mother and brother of the detinue will try to cause hindrance or can forcibly try to take the custody of the detinue back or may cause any harm to the petitioner and the detinue.

Under these circumstances, it is directed that the detinue be brought in the Police Post in the High Court premises with lady Constable Jyoti and SI Naveen at 1.30 p.m. from where the petitioner can take the custody of the detinue. Incharge of Police Post of this Court is directed to make necessary arrangements for the same. Further, lady Constable Jyoti and SI Naveen are directed to provide requisite protection to the petitioner and the detinue till the time they reach the village Babail, District Panipat safely.

The petition stands disposed of accordingly.

February 10, 2022

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No