

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

204

**CRWP-10765-2022 (O&M)
Decided on : 22.12.2022**

Jai Kishan

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ashish Tewatia, Advocate for the non-applicant.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. B. K. Bagri, Advocate
for respondents No. 7 to 9.

SANJAY VASHISTH, J. (Oral)

CRM-W-1667-2022

Prayer in the present application is for placing on record reply on behalf of respondents No. 7 to 9 alongwith annexures R-7/1 to R-7/3 and also for exemption from filing certified and true typed copies of said annexures.

Notice in the application.

Mr. Vikas Bhardwaj, AAG, Haryana accepts notice on behalf of the respondent (State) and Mr. Ashish Tewatia, Advocate, accepts notice on behalf of the non-applicant/petitioner and submit that they have no objection, if present application is allowed.

In view of the averments mentioned in the application, same is allowed and aforesaid documents i.e. reply alongwith Annexures R-7/1 to R-7/3 are taken on record. Registry is directed to tag the same at appropriate

place.

Application stands disposed of.

Main Case:

“Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of habeas corpus for releasing of Sneha d/o Jai Kishan (detenue) daughter of the petitioner from the illegal custody of respondents No. 7 to 9.

Order dated 14.11.2022 says as under:

“Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of Habeas Corpus.

Counsel for the petitioner submits that daughter of the petitioner, who is aged 18½ years, is missing since 18.08.2022, and in this regard, one FIR No.297, dated 18.08.2022, under Section 346 of IPC, has been registered at Police Station Bhiwani Civil Lines, District Bhiwani.

Counsel for the petitioner also submits that his daughter is in illegal custody of private respondents i.e. respondent No.7 (Yogesh), respondent No.8 (Surender) and respondent No.9 (Sarita). Therefore, some warrant officer be appointed for affecting search of premises of private respondents No.7 to 9, to get detenue released from their illegal custody.

On examining the contents of petition, and representation, which is annexed as Annexure P-2 with the present petition, this Court acknowledges the factum

that complainant himself has got lodged one FIR by mentioning therein that his daughter has left the house along with cash amount of Rs.17,000/-, and Bank passbook also. Before appointing of any warrant officer, this Court would like to have a status report from the State.

Notice of motion for 18.11.2022.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 to 5 (State).

Let a copy of complete paper book be supplied to learned State counsel during course of the day.

Meanwhile, respondent No.2 is directed to issue further directions to some responsible police officer for looking into the matter and to visit the house of private respondents i.e. respondents No.7 to 9, and to find out if alleged detainee is illegally confined by them. At the first instance, statement of said detainee is expected to be recorded by ensuring that same is with her free will and wish, without any pressure or allurement, and then a status report would be prepared and submitted to this Court on or before the next date of hearing.”

Today, Mr. Ashish Yadav, Addl. Advocate General Haryana, appears and submits his status report by way of an affidavit of Virender Singh, HPS, Deputy Superintendent of Police, Bhiwani, Haryana, on behalf

of respondents No. 2 and 3. State counsel submits that though FIR No. 297 dated 18.08.2022, under Section 346 IPC has been registered at Police Station Bhiwani Civil Lines, District Bhiwani and same is under investigation, yet, on the direction of this Court statement of alleged detainee has been recorded and said statement dated 10.09.2022 is part of the status report as Annexure R-1.

Said statements says as under:

“A Statement of Sneha wife of Yogesh, resident of Bamla, daughter of Jai Kishan, village Naya Bazar, Bhiwani, aged about 18½ years, 9671308877.

Stated that am resident of above address and 10+2 pass. Since last two years, Yogesh son of Surender, resident of Bamla used to visit his sister Sarita near our house, with whom, my friendship increased and we performed love marriage on 19.08.2022 at Arya Samaj, Jodhpur, as per Hindu rites and ceremonies. Now I want to live with my husband Yogesh only. I do not want to go to my parents nor wants to give any statement in Court. am major. I understand my bad and good. I got written my statement, is correct.”

Sd/-Sneha

Attested
Ramesh Kumar
P.S. Civil Lines Bhiwani
Dated: 10.09.2022

On the other hand, Mr. B. K. Bagri, Counsel representing respondents No. 7 to 9 also files his reply before this Court with an advance copy of counsel opposite and same is taken on record. Registry is directed to tag the same at appropriate place.

From the said reply, learned counsel for respondents No. 7 to 9 points out that detenue-Sneha infact has performed marriage with Yogesh-respondent No. 7, according to the Arya Smaj rituals and in that regard, certificate No. 148/2022 dated 19.08.2022 has also been issued (attached with the petition). Counsel also points out that said marriage is performed by detenue with respondent No. 7 with her free will and wish and there is no pressure or any undue influence of anybody upon her.

He also points out that detenue is aged about 18 ½ years and thus, being a major, she is free to take her decision regarding her life and the company she wants to join.

In view of the reply filed by the respondents and in specific the stand taken by the alleged detenue-Sneha, in her statement (Annexure R-1), this Court is of the view that present petition carries no merit and deserves to be dismissed.

Therefore, present petition stands dismissed.

(SANJAY VASHISTH)
JUDGE

22.12.2022

Riya

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>