

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

226

**CRWP No. 2291 of 2023 (O&M)
Decided on :20.03.2023**

Vipin . . . Petitioner(s)

Versus

State of Haryana and others . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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

Mr. Pawan Kumar Jhanda, AAG, Haryana.

Mr. Vishal Sodhi, Advocate for respondents No. 6 to 8.

SANJAY VASHISTH, J. (Oral)

On previous date of hearing i.e. on 10.03.2023, contentions of the petitioner were recorded, which 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.

It is submitted by learned counsel for the petitioner that petitioner – Vipin, aged more than 25 years, and detenue ‘Rajni’, aged more than 20 years, performed love marriage on 14.02.2023 as per Hindu rites and customs. As the marriage was opposed by the family members of alleged detenue ‘Rajni’. Petitioner and detenue ‘Rajni’ were in process to file their protection petition, however, before that, custody of the detenue ‘Rajni’ was forcibly taken by private respondents No.6 to 8 against her wishes. Detenue ‘Rajni’ is presently detained illegally by respondents No.6 to 8 at their present address i.e. H.No.10, Sector 4 (Village Haripur), Panchkula, Haryana.

Notice of motion for 20.03.2023.

On asking of the Court, Mr. Pawan Kumar Jhanda, AAG, Haryana, accepts notice on behalf of official respondents No.1 to 3 (State of Haryana). Let requisite copies of complete paper book be supplied to him during course of the day.

In the meantime, Registry is directed to appoint a Warrant Officer, on payment of usual charges, who will visit the place(s) of alleged detention of detenue and if found in illegal detention, after verifying her age to be now as major, get her released immediately after recording her statement.

Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court. ”

Today, Warrant Officer's report dated 15.03.2023 has been received in sealed cover and same is opened in the Court by the Court Secretary. Said report is taken on record. Registry is directed to tag the same at appropriate place.

Relevant part of the said report says as under:

“Report

For carrying out the order dated 10.3.2023 passed by Hon'ble Court. I have been appointed as warrant officer in the above note case. 1. in the company of the petitioner proceeded for Police Post Sector 2 Panchkula. We entered in the munshi room where H.C. Ram Meher(17/Panchkula) was present there. I disclosed my identity to hhn and demanded force from him. He called the S.H.O. to arrange the force, with the help of Police party leading (DDR 13, 14) Flag-A P.S.I. Sunita Singh Choken, we reached at Hs. No. 10, Sector-4 (Village Euripur), Panchkula. The house was

found locked and we asked a neighbourer who told us that Satish Kumar a family member of the said house worked at Puneet College, Sector 10, Panchkula. Then we proceeded for Puneet College, Sector 10, Panchkula where Satish was present. I disclosed my identity and I asked him regarding his sister Rajni? He said my whole family went to my native Village Ghanghroli, Distt-Badaun, Uttar Pradesh. Then I got served notices of Respondents No. 6, 7 and 8 to Satish Kumar and he signed back side of the notices and also mentioned his Mob. No. 6280320716. After that we came back in the Police Post Sector 2 Panchkula where Munshi typed DDR No. 15 dated 14.3.2023 Flag-B regarding our visit to Hs. No. 10 Sector 4, Panchkula, and also mentioned that notices of Respondents No. 6, 7 and 8 served to Satish(Mob. No. 6280320716 and he further mentioned that his family has gone Village Ghanghroli, Distt-Badaun, Uttar Pradesh.

After receiving the DDR we came out from the Police Post and came back to the High Court where petitioner went to his own after dropping me here.

Served notices of Respondents No. 6, 7 and 8 are returned herewith.

Submitted for kind perusal.

Dated: 15.03.2023

B. S. Virk, W.O ”

Reply dated 19.03.2023 has also been filed by learned State counsel on behalf of respondents No. 1 to 3, and same is take on record. Registry is directed to tag the same at appropriate place.

While referring to paragraph No. 5 of the Said reply, learned

State counsel submits that alleged detainee has also been brought to this

Court by the Investigating Officer and right now she is present in the Court.

Said Paragraph No. 5 says as under:-

“5. That by the bare perusal of the said statements, the petitioner got married to Rajni in Arya Samaj on dated 14.02.2023 and after that, detenue Rajni was willingly living with their parents at H.No.10 Sector 4 (Haripur) Panchkula and later on visited to their permanent address at village Ghaghosi District Bandau, Uttar Pradesh. As per the statement of the detenue Rajni she was living with her parents voluntarily or without any undue influence. She has also stated that she has never been in any illegal confinement by her parents or by other family members. Also stated that now she does not want to live with the petitioner and want to stay with her parents. ”

On being asked by this Court also, detenue has clearly stated that she is staying with her parents with her free will and wish and without there being any pressure from any corner.

After considering all the averments & submission recorded here-in above, I do not find any merit in the contentions of the petitioner and thus, finds no force in the same.

Petition stands dismissed.

(SANJAY VASHISTH)
JUDGE

20.03.2023
Riya

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*