

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2381-2023
Date of decision: 27.04.2023

RAMPAL

...Petitioner

V/s

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ajay Kamboj, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

-*-

SANJAY VASHISTH J. (ORAL)

1. After hearing the present *Habeas Corpus* petition on 13.03.2023, following order was passed by this Court:-

“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.

Learned counsel for the petitioner submits that detenue Deepika, aged 20 years, is legally wedded wife of the petitioner, who performed marriage on 18.04.2022. In regard to the proving of the factum of marriage as well as age of detenue, counsel for the petitioner refers to the copy of marriage certificate as well as copy of Aadhaar card, attached with the petition.,

Counsel for the petitioner submits that on 10.03.2023, when petitioner was not present at home, private respondents picked up the detenue-Deepika on the pretext that her mother is not well and forcibly took her to their house. Counsel submits that this way petitioner's legally wedded wife has been detained illegally by the private respondents No. 4 and 5.

Notice of motion, for 27.04.2023,

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 she is found in illegal detention, immediately she would be got released after recording her statement.

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

However, it is clear that any submission recorded/ observation made here in the order did not construe as authenticating of the alleged age or the petitioner and the detenue or factum, of the alleged marriage.”

2. Consequently, warrant officer appointed by this Court, who has prepared his report along with relevant documents/statements on 15.03.2023, and submitted before this Court in a sealed cover. Today, said report has been opened from sealed cover by the Court Secretary, and thereafter, same has been perused. Registry is directed to tag the report at appropriate place in the case file.

3. Said report dated 15.03.2023, is reproduced herein-below:-

“In the company of Police Party, one lady police official namely Mrs. Asha ASI Belt NO. 118 , I along with the petitioner and his relative , reached the residence of Respondent No. 4 and 5 i.e. Resident of Village Khairampur Tehsil Adampur District Hissar at 1.40 A.M. on 14.03.2023. Detenue-Deepika wife of the petitioner and other persons were present there. I disclosed my identity and purpose of visit to them. I alongwith the petitioner and Police Party entered the House of the said Respondent , I asked Respondent No.4 whether detenue -namely Deepika wife of the petitioner (Rampal) is in illegal detention of him .He denied the allegation made by the petitioner and told that she is residing with him and his family members as per her wishes . Detenue-Deepika was also identified by the Petitioner. I asked to Detenue whether she is willing to give her statement regarding her decision according to the Petitioner as mentioned in the Criminal Writ Petition. In the meantime some unknown persons gathered outside

residence of the said Respondent. After that the Police Team took the detenue-Deepika alongwith Respondent No.4 and 5 in the Police Station Sadar Adampur District Hissar.

When we reached the Police Station , I further asked to Detenue- Deepika for recording her statement in the presence of ASI Asha and Petitioner . She told me that she wished to go with her parents i.e. Respondent No.4 and 5 and further told that the said step is being taken by her without any pressure and she does not want to go with Petitioner . The Statement of Detenue-Deepika which is in Hindi script is annexed herewith as Annexure "B".

G.D. No.6 dated 14.03.2023 has been registered by the Police Official, Police Station Sadar Adampur District Hissar regarding searching procedure of the detenue and statements . The copy of the same is annexed herewith as Annexure "C".

Therefore, it is reported that detenue, namely, Deepika wife of Petitioner has not been found in illegal detention of Respondent No. 4 and 5 and she does not want to go with the Petitioner and is residing with her parents.

Service Report .

Service of Respondent NOS 2 to 5 is complete.

Submitted for kind perusal please

CHANDIGARH
DATED: 15.03.2023.

TARA DATT JOSHI
WARRANT OFFICER”

4. Faced with the situation that alleged detenue has chosen to join the company of the parents, learned counsel for the petitioner states that the present petition may be disposed of having been rendered infructuous.

5. Disposed of on account of being infructuous.

27.04.2023
manisha

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No