

CRWP-2379-2023 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-2379-2023 (O & M)  
Date of decision: 28.04.2023

Rakesh Kumar

... Petitioner

V/s

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Varun Gupta, Advocate,  
Mr. Durga Dutt Sharma, Advocate,  
Mr. Ravi Kant, Advocate,  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Amandeep Singh, Advocate,  
with Mr. Parveen Kumar, Kuhad, Advocate,  
and Mr. Naveen Kumar Kuhad, Advocate,  
for respondent No.5.

Mr. Ankur Bali, Addl.P.P., for U.T., Chandigarh.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Articles 226/227 of the Constitution of India is for the issuance of a writ in the nature of Habeas Corpus to direct the respondents to produce the detinue-Komal Kataria and to appoint a Warrant Officer for the release of the alleged detinue from the forceful/illegal custody of respondent No.5.

On 13.03.2023, the following order was passed:-

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*“This is a criminal writ petition filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus to produce the detenue, namely, Komal Kataria (aged 22 years), who is stated to be in illegal detention of respondent No. 5.*

*Notice of motion for 23.03.2023.*

*Meanwhile, the Registry is directed to appoint a Warrant Officer, who shall search for the whereabouts of the alleged detenue, at the address(s) mentioned in the petition or at any other place(s) as may be indicated by the petitioner, and if, the alleged detenue is found to be in illegal custody of respondent No. 5, she be got released forthwith. The fee of the Warrant Officer shall be determined by the Registry as per Rules and borne by the petitioner. The report of Warrant Officer be also placed on record before the next date of hearing”.*

On 23.03.2023, the following order was passed:-

*“It has been brought to the notice of this Court that the marriage of the daughter, namely, Komal Kataria of the petitioner has been solemnized with respondent No.5 Bhanu Partap. Komal Kataria and Bhanu Partap are directed to be present in Court on the next date of hearing.*

*Adjourned to 27.03.2023.*

*The presence of respondent No.4 who is present in Court shall remain exempted till further orders.*

*Report of warrant officer received, seen and ordered to be resealed again”.*

Thereafter on 27.03.2023, the following order was passed:-

*“The prayer in the present petition under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus directing the respondents to*

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*produce the alleged detainee, namely, Komal Kataria as she is stated to be a drug addict and has been enticed by the instance of respondent No.5-Bhanu Partap Singh, whom she is stated to have married.*

*In pursuance to the order dated 13.03.2023, the alleged detainee-Komal Kataia and respondent No.5-Bhanu Partap Singh are present in the Court.*

*In view of the avements made by the petitioner, who is stated to be her (detenue-Komal Kataria's) father alongwith the medical reports of the alleged detainee-Komal Kataria, Annexures P-2, P-3 and P-4, the Director, PGIMER, Sector 11, Chandigarh, is directed to constitute a Board of Doctors to examine the detainee-Komal Kataria, so as to ascertain her mental health/condition.*

*Let the needful be done within a period of 03 weeks from today.*

*The SHO, Sector 20, Panchkula-respondent No.3 shall facilitate the medical examination in conjunction with the Director, PGIMER, Sector 11, Chandigarh.*

*Adjourned to 26.04.2023.*

*The report of the Board of Doctors, PGIMER, Sector 11, Chandigarh be submitted on or before the next date of hearing.*

*It is further directed that the SHO, Sector -20, Panchkula-respondent No.3 shall ensure that the alleged detainee-Komal Kataria and respondent No.4-Bhanu Partap Singh are taken to their place of residence where they are at liberty to move an appropriate application before the SHO concerned, who shall ensure their protection.*

*A copy of this order be given to the learned State counsel under the signatures of the Bench Secretary of this Court for compliance”.*

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A perusal of the aforementioned orders would reveal that the alleged detenue-Komal Kataria was to be examined by the Board of Directors, PGIMER, Sector 11, Chandigarh.

In pursuance to the examination, a report dated 25.04.2023 has been received. A perusal of the report would reveal that the Board of Doctors, in its considered opinion, has found that currently no abnormality is detected in her mental health/condition.

In view of the above, no further orders are required to be passed by this Court.

The present petition is disposed of accordingly.

April 27, 2023  
sukhpreet

( JASJIT SINGH BEDI)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No