

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRWP-2863-2023

Decided on : 18.04.2023

Rita Rani

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. S.K. Liberhan, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab
(on instructions from ASI Swarn Singh)

SANJAY VASHISTH, J. (Oral)

1. Mr. Dharminder Singh Randhawa, Advocate, puts in appearance on behalf of respondents No.4 & 5 and files his *Vakalatnama* in Court today, which is taken on record, subject to all just exceptions. Office is directed to tag the same at appropriate place.

2. Petitioner-Rita Rani filed the instant petition for seeking the issuance of roving writ in the nature of Habeas Corpus for release of her minor daughter-Nitu Rani, who was illegally detained by respondents No.4 to 6. In the petition, it was also stated that petitioner is apprehensive of addicting her daughter of chitta & ganja. She also doubts that her daughter was forced to do wrong works (sex works) for making her a mean to earn money.

3. While issuing notice of motion, Warrant Officer was appointed by this Court to conduct raid at the disclosed place by the petitioner. From the sealed cover, report dated 24.03.2023 of Warrant Officer is taken out and perused by this Court.

4. Said report is made part of the record of the present petition.

Registry is directed to tag the same at appropriate place. Said report is reproduced hereinbelow:

“In compliance of the orders dated 22.03.2023 passed by the Hon'ble High Court, I alongwith the petitioner of the alleged detenue with her relative namely Mam Chand reached the Police Station Ganaur Tehsil Rajpura District Patiala, Punjab at 09.06 P.M. on 22.03.2023, Constable Satbir and other Police Officials were present in the said Police Station. I disclosed my identity and purpose of visit to them. Entry in this regard was made in the D.D. Register. After some time Sub Inspector S. Gurnam Singh joined the Police Station and I requested them for providing the Police Protection for conducting the raid at residence of Respondent Nos 4 to 6. G.D. No. 37 dated 22.03.2023 by the Police Official of the said Police Station. The copy of the same is annexed herewith as Annexure "A".

In the company of Police Party, two lady police officials namely Jaswinder Kaur H.C, Ms Reena Rani PH alongwith petitioner and her relative we reached the residence of Respondent No. 4 to 6 i.e. Vidhi-Chand Colony, Near Panditan-Di-Chakki, Backside of Cheema Petrol-Pump, Tehsil Gobindgarh District Fatehgarh Sahib Punjab Village at 12.04 A.M. on 23.03.2023. I rang the bell and knocked the door of Respondent No.4 to 6, after three minutes a young boy came out of his house and recognized himself as Rohit and son of the Respondent No 4 and no other persons were present there. I disclosed my identity and purpose of visit to hem. I alongwith the petitioner and Police Party entered the House of the Respondent Nos. 4 to 6, I asked him whether Detenue- Neetu Rani D/o Sh. Manmohan Lal @ Manohar Lal is in illegal detention of Respondent Nos 4 to 6. He denied the allegation made by the petitioner and told that his mother and other persons are out of station and detenue- Neetu is not with us and he had never seen the said detenue in their house. After some time he changed his stand and gave another statement regarding the whereabouts of the Respondent Nos 4 to 6. He further told that they have gone to some unkown place. After that the Police Officials strictly directed to him to give correct statement. I showed him the photograph of the said detenue- Neetu to him, he identified her and told that the said girl-Neetu is living with my family since last 2 years and she doing our house work regularly. He further told that he is now 16 ears old and studies in class twelve and living in his maternal house. His parents alogwith Neetu have gone to District Jind, Haryana. I directed to him to call his mother i.e. Respondent No.4. He informed his mother over call that a Police Party raid is going on in their house and asked her to reach home immediately alongwith Neetu and if she will fail to come to house the police party will take him to police station. I also asked to Rohit to show his Aadhar Card and other certificate regarding his date of birth but he ignored and told that the said documents are lying in his maternal home. He also gave his statement which is in Punjabi script is enclosed herewith as Annexure "B"

I also talked to Respondent No.4 by my Mobile No. 9417919138 . | disclosed my identify and purpose of visit to her and I directed her to produce the alleged detenue-Neetu before me in her residence but she replied that she has gone to Hill station. Further after some time she changed her version and told that at

that time she alongwith her family are in District Jind, Haryana and Detenue- Neetu is not with their company as she has already left her house some days back and she do not know her where about. After some time she called his son Rohit and said that she will be reaching her residence after half an hour or so but she did not come till 1.40 P.M. on 23.03.2023. She again told that she had already talked to the Munshi of the local Police Station ie Mandi Gobindigarha and the said Mushy replied to her that no raid is being conducted by the said police Station. After some time I personally contacted to her and other persons through telephonically but all mobile were switched off. After that the entire team left the said place.

At the end I personally contacted to some other persons which were residing within the said locality, without disclosing their name and addresses they told that the said lady namely Mrs. Soni Bahmani W/o Sewa (Respondent No.4) is not of good character and no body talks to her or her family members and further told that the said detenue-Neetu has been seen by them and their family members many times.

G.D. No.05 dated 23.03.2023 has been registered by the Police Official, Police Station Ganour Tehsil Rajpura District Patiala regarding searching procedure of the detenue and statements. The copy of the same is annexed herewith as Annexure " C" .

After waiting for nearly two hour, I left from the residence of Respondent NO.4 to 6 to Chandigarh and I reached Chandigarh at 3.00 A.M. on 23.03.2023. I received a telephone call from the Respondent NO. 4 at 3.34 A.M. and she told me that she was on the way and further asked me that from which police station I came from. I again told that entire Police team came from the Police Station Ganour Tehsil Rajpura District Patiala in compliance with the order dated 22.03.2023 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh . After that she switched off her phone. I tried to contact her many times but no avail.

Therefore, it is reported that detenue, namely, Neetu Rani and Respondent Nos 4 to 6 are not found present in the aforesaid address.

Submitted for kind perusal please.

CHANDIGARH

TARA DATT JOSHI

DATED: 24.03.2023

WARRANT OFFICER”

5. Counsel for the petitioner submits that subsequent to the conducting of raid by the Warrant Officer, some panchayat proceedings were conducted, wherein private respondents No.4 to 6 handed over the custody of the minor daughter to the petitioner.

Counsel for the petitioner also submits that subsequent thereto, petitioner had moved the application and in compliance to the order passed by this Court, medical examination of the daughter of the petitioner(detenue)

was also conducted. Thereafter, FIR No. 0039 dated 18.04.2023 under Sections 363, 366-A, 370, 376DA, 376(2)(n), 323, 328, 342, 345, 346, 109, 506, 120-B IPC and Sections 4, 6 & 17 of POCSO Act has been registered at Police Station Ghanaur, District Patiala against the private respondents and some other persons.

Counsel for the petitioner further submits that presently, the detenue is staying in the house of petitioner and he needs to file a fresh petition by attaching all the relevant documents in support of the submission. Therefore, he be allowed to withdraw the present petition.

6. In view of the statement of the counsel for the petitioner, present petition stands disposed of being withdrawn.

(SANJAY VASHISTH)
JUDGE

April 18, 2023

k.nain

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