

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRWP-2902-2023

Decided on : 21.04.2123

Vikash

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTHPRESENT: Mr. Arun Singla, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. After hearing the present *Habeas Corpus* petition on 23.03.2023, following order was passed:-

“ *Petitioner – Vikash, aged 26 years, has filed present petition for issuance of a writ in the nature of Habeas Corpus, directing the respondents to release the detenue namely ‘Anjali’, who is illegally detained by private respondents No.4 & 5, though related as her daughter.*

Learned counsel for the petitioner submits that detenue ‘Anjali’ is the legally wedded wife of the petitioner, as both of them performed their love marriage on 15.02.2023, as per Hindu rites and rituals at Shri Balaji Mandir, Village Shergarh, Tehsil Malout, Distt. Sri Muktsar Sahib.

Learned counsel for the petitioner further submits that on 20.02.2023, after taking her examination, when the detenue ‘Anjali’ was returning back to home, the private respondents forcibly took her to their house and since then, she is illegally detained by them.

Notice of motion, for 21.04.2023.

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 found in illegal detention, then to get her released immediately, after recording her statement.

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

2. Consequently, warrant officer appointed by this Court, has prepared his report along with relevant documents/statements on 01.04.2023, 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. Report dated 01.04.2023, is reproduced herein-below:-

“ The undersigned along with Sh. Vikash (petitioner) reached at Police Station City Malout, District Sri Muktsar Sahib on 30.03.2023 at about 02:25 P.M., with regard to releasing of Mrs. Anjali (wife of the petitioner), detenue mentioned in Crl. Writ Petition No.2902 of 2023 from the illegal custody of respondents No. 4 & 5. Sh.Jagdish Singh, Head Constable (Munshi) was present in the Police Station. I apprised him about the purpose of my visit. Entry was made in the Roz Namcha on Computer, vide General Diary No.032 dated 30.03.2023 (Annexure 'R-1'). Notices on behalf of respondents No.2 & 3 were received by Sh. Jagdish Singh, Head Constable (Munshi). Thereafter, the undersigned along with Sh. Vikash (petitioner) as well police party i.e. Sh. Bagga Singh, Sub Inspector and other police officials conducted raid at the residence of respondents No. 4 & 5 i.e. Street No. 1, Ravi Dass Nagar, Ward No. 14, Tehsil Malout, District Sri Muktsar Sahib, where Pardeep Kumar (respondent No. 4) & Pinky Rani (respondent No.5) were present. Mrs.Anjali (detenue) was also found in the courtyard of the said house, who has given her statement in Punjabi language at Annexure 'R-2', wherein she has stated that she is 21 years of age and had married to Sh. Vikash (Petitioner) on 15.02.2023. After the marriage, she had

gone to her father's home, so that she could give her examination of 12th class. When she had told about her marriage to her parents, her father had not allowed her to go out of the house and also threatened to kill her. She has further stated that she want to go with her husband, at her own will. Statement of Sh. Vikash (petitioner), in Hindi language, may kindly be perused at Annexure 'R-3'. In the presence of undersigned and police party, Mrs. Anjali (detenue) has gone with the petitioner. Entry was made in the Roz Namcha on Computer, vide General Diary No. 035 dated 30.03.2023 Anneuxre 'R-4'. Notices on behalf of respondents No.4 & 5 were received by Sh.Pardeep Kumar (respondent No. 4).

Hence after satisfaction of Sh. Vikash (petitioner) the undersigned proceeded back to Chandigarh.

Report is submitted for kind perusal please.

Dated: 01.04.2023

*(Sukhvinder Singh)
Warrant Officer*

*Encl: - 1. Two copies of report.
2. Annexure 'R-1 to R-4'."*

4. In view of the fact that detenue 'Anjali', who herself stated to be of the age of 21 years, has preferred to join the company of the petitioner from the place of her recovery i.e. her parental house; counsel for the petitioner also submits that since the detenue is staying with him, the present petition has been rendered infructuous and may be disposed of as such.

5. Disposed of being infructuous.

**(SANJAY VASHISTH)
JUDGE**

April 21, 2123

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No