

221 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-3566-2023  
Date of decision: 27.04.2023

SURENDER KUMAR

...Petitioner

V/s

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: None for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

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**SANJAY VASHISTH J. (ORAL)**

1. Mr. Rohit Singla, Advocate has put in appearance on behalf of the respondent No.5 and files his vakalatnama in Court today, which is taken on record. Registry is directed to tag the same at appropriate place in the file.
2. After hearing the present *Habeas Corpus* petition on 13.04.2023, following order was passed by this Court:-

*“Petitioner-Surender Kumar aged 30 years has filed instant petition for issuance of writ in the nature of habeas corpus for appointing the Warrant Officer to release the detenue namely Anju Rani from the illegal detention of respondents No.4 & 5. Counsel for the petitioner submits that both petitioner and the detenue Anju Rani are major and with their sweet will, both of them had performed the marriage on 04.02.2022 and thereafter, started living together. Petitioner has appended the marriage certificate with the petition.*

*Counsel for the petitioner further submits that on 28.03.2023 when the detenue Anju Rani was alone at matrimonial house, private respondents No.4 & 5 entered there and took her away forcibly.*

*Counsel for the petitioner has also submitted that the detenue has been illegally detained by her family members and she may be*

*killed by them because the marriage of the petitioner and the detenue, is not liked by them.*

*Notice of motion for 27.04.2023.*

*On asking of Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 to 3(State).*

*Let requisite copies of complete paper-book be supplied to learned State counsel, 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. The Warrant Officer would firstly verify the age of the detenue Anju Rani and also the fact that the detenue is sound by mind and then recording her statement 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 15.04.2023, and submitted it 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 15.04.2023, is reproduced herein-below:-

*“The undersigned along with Sh. Surender Kumar (petitioner) and Advocate Sh.Shivam Kamboj reached at Police Station Kalan Wall, District Sirsa on 14.04.2023 at about 06:40 P.M., with regard to releasing of Mrs. Anju Rani (wife of the petitioner), detenue mentioned in Crl. Writ Petition No.3566 of 2023 from the illegal custody of respondents No. 4 & 5. Sh.Ramphal, SHO and Sh.Sunil Kumar, MHC were present in the Police Station. I apprised them about the purpose of my visit. Entry was made in the Roz Namcha on Computer, vide General Diary No.026 dated 14.04.2023 (Annexure 'R-1'). Thereafter, the*

*undersigned along with Sh.Surender Kumar (petitioner), Advocate Sh.Shivam Kamboj as well police party conducted raid at the residence of respondents No. 4 & 5 i.e. #157, Panchayat Nagar Nigam Chakerian, Kalanwali, Sirsa, where Ashok Kumar (respondent No. 4) & Parmila Devi (respondent No.5) were present. Mrs.Anju Rani (detenue) was also found present in the said house. On asking by the undersigned, Mrs.Anju Rani (detenue) has submitted her marksheets of Class X & XII (Annexure 'R-2' & 'R-3') and Aadhar Card (Annexure 'R-4'), perusal of which it reveals that her date of birth is 25.09.1999 and she is major in age. She has given her statement in sound mind (in Hindi language) at Annexure 'R-5', wherein she has stated that she is 24 years of age & B.Ed qualified and had married to Sh.Surender Kumar (Petitioner) resident of Audan on 04.02.2022. After the marriage, she was residing with her husband, but on 28.03.2023, her parents taken her from there and tries to marry her with some other person, which is unacceptable to her. She has further stated that she had married to Sh.Surender Kumar (Petitioner) in full sense at her own will and now she want to go with her husband. Statement of Sh. Surender Kumar (petitioner), in Hindi language, may kindly be perused at Annexure 'R-6'. In the presence of undersigned and police party, Mrs.Anju Rani (detenue) has gone with the petitioner. Entry was made in the Roz Namcha on Computer, vide General Diary No.029 dated 14.04.2023 Annexure 'R-7'. Notices on behalf of respondents No.4 & 5 were received by the grandfather of Mrs.Anju Rani (detenue).*

*Hence after satisfaction of Sh. Surender Kumar (petitioner) the undersigned proceeded back to Chandigarh.*

*Report is submitted for kind perusal please.*

*Dated: 15.04.2023*

*(Sukhvinder Singh)  
Warrant Officer”*

*Encl:- 1. Two copies of report.*

*2. Annexure 'R-1 to R-7'.*

*3. Receipt of Notices 4 & 5”*

4. Learned counsel for respondent No.5 submits that never any pressure was applied upon the alleged detenue and for the last about one

year, they were not aware about the marriage of their daughter (alleged detenue) with the petitioner.

5. Be that as it may, once according to the report of Warrant Officer, detenue has given a clear statement about performing of marriage by her with petitioner and she being legally wedded wife of the petitioner, has joined his company, nothing is left to be decided in the present petition as the prayer made hereinabove, does not survive. Therefore, present petition may be disposed of, as having been rendered infructuous.

6. Though, today there is no representation on behalf of the petitioner, yet looking at the Warrant Officer’ Report wherein, detenue-Anju Rani, who herself stated to be major, has preferred to join the company of the petitioner, nothing is left in the present petition to decide. Therefore, present petition is disposed of having been rendered infructuous.

27.04.2023

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(SANJAY VASHISTH)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No