

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-3663-2023 (O&M)
Date of Decision:- 28.4.2023

Mustak ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Khalid Tauru, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by ASI Dharminder Singh and Lady C. Sudarshan.

Mr. Saleem Ahmed, Advocate,
for respondents No.5, 6, 9 and 10.

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed by Mustak seek issuance of writ in the nature of habeas corpus for release of the detenue namely Smt. Arbina stated to be his wife who is alleged to be illegally detained by respondents No.5 to 10.
2. Notice of motion had been issued on 17.4.2023. When the matter was taken up on 21.4.2023 a status report was filed by way of affidavit of DSP Satish Kumar which was accompanied by statement of Smt. Arbina as well as of all the private respondents. Smt. Arbina in her

statement categorically stated that she does not wish to reside with Mustak. However, learned counsel for petitioner had submitted before this Court on the said date that the said statement had been forcibly recorded. Consequently, this Court vide order dated 25.4.2023 directed the private respondents to produce Smt. Arbina in this Court. Pursuant to the said order Smt. Arbina has been produced in this Court. Respondents No.6, 9 and 10 are also present in person.

3. Smt. Arbina has been briefly quizzed by this Court who has disclosed that she had earlier been married to Asan son of Chandu. Subsequently she solemnized marriage with the petitioner. Upon being specifically asked she stated that she wishes to reside with petitioner-Mustak. Upon being asked she categorically stated that her statement as recorded by the police wherein it was recorded that she does not wish to reside with Mustak was recorded as she had been forced to do so by her members of her family.
4. This Court further asked Smt. Arbina as to how come she had lodged one FIR against the petitioner and upon which she again stated that the said FIR was also got forcibly lodged at the instance of her family.
5. In view of the aforestated position wherein the alleged detainee Smt. Arbina has been produced today has categorically stated that she wishes to reside with the petitioner and upon being asked has stated that she shall accompany the petitioner from the Court itself, the private respondents are advised not to take law in their hands or to cause any harm either to the petitioner or to Smt. Arbina.

6. Respondents No.6, 9 and 10 are present in the Court and have been identified by Mr. Saleem Ahmed, Advocate, who have assured that they shall not cause any harm to the petitioner or Smt. Arbina.
7. In view of the aforestated position, Smt. Arbina is free to accompany the petitioner-Mustak right from the Court itself.
8. ASI Dharminder Singh and Lady C. Sudarshan shall ensure that the petitioner and Smt. Arbina are conducted to their native place in Nuh safely and that the private respondents do not cause any harm.
9. Having regard to the aforestated position, the petitioner is not required to pay any amount as had been directed earlier.
10. No further directions is required to be issued. The petition stands disposed of accordingly.

28.4.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No