

CRWP-5118-2023

2023:PHHC:097545

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-5118-2023

Date of Decision: 31.07.2023

Roshan Din and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.K. Dixit, Advocate for the petitioners.

Mr. Karunesh Kaushal, AAG, Punjab.

Dr. Kirandeep Kaur, Advocate for
Mr. M.D. Khan, Advocate
for respondents No.4 to 8.

ANOOP CHITKARA, J.

Seeking release of the alleged detenu, the petitioners have come up before this Court under Article 226 of the Constitution of India.

2. As per state counsel, girl is happily living with respondent No.4 and the said position is undisputed.

3. I have heard counsel for the parties, in continuation of the previous orders, this Court intends to pass the following order.

4. In the entirety of facts and circumstances and given the fact that the detenu is on family way, 10 days after delivery or discharge from the hospital whichever is later, the investigator/SHO concerned will get her produce before the nearest Judicial Magistrate, who shall interact with her and it is the concerned Magistrate's discretion whether to record her statement under Section 164 Cr.P.C or to proceed without that. After recording of the statement, the concerned Magistrate shall take appropriate action falling out from inference of the said statement/interaction in his/her opinion.

5. After delivery, counsel for the petitioners as well as the private respondents shall inform the concerned SHO about her location, name of the hospital and date of her discharge. In case of any difficulty, the concerned police officer to contact the counsel

for the parties who shall fully cooperate with them and to ensure that the detenue is produced before the concerned Magistrate without any delay.

6. It is clarified that since the daughter of the petitioners is on family way, as such they are permitted to meet her once in a week till her production before the Magistrate. In case, there is hindrance from the side of private respondents, in that case, they are permitted to approach the concerned SHO, who shall provide security to them preferably a female constable to meet their daughter.

7. *There would be no need for a certified copy of this order, and any Advocate for the Petitioners and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

Petition is disposed of in the terms mentioned above. Liberty reserved to the petitioners to approach this Court again in case need arises. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

31.07.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.