

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

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**CRWP No. 7143 of 2023
Date of Decision: 20.07..2023**

Rakesh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nipun Bhardwaj, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

The petitioner, who claims to be husband of the detenue in the capacity of solemnizing marriage with her on 01.05.2023 and marriage certificate is annexed at Annexure P-1, has come up before this Court on the grounds that after the marriage, his wife has been detained by her parents, who have confined her in their home.

2. Notices served upon the official respondents No. 1 to 3 through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

3. Respondent No. 2 is directed to depute police officials including at least one female police official, who shall produce the detenue Sanaha, aged 19 years, who is allegedly confined in her parents' home and produce her before the nearest Judicial Magistrate preferably a female Judicial Magistrate.

4. On such production, the concerned Judicial Magistrate shall interact with detenue Sanaha. After such interaction, it is for the Judicial Magistrate, either to record her statement under Section 164 Cr.P.C. or simply to pass an order to the effect about her liberty. Needless to say, that the detenue is an adult and she has a right to live at a place and with the person of her choice and none including the State has any right or business to interfere in her personal life.

5. In case, the Judicial Magistrate finds that detenu Sanaha has been opposed to live with her parents and wants to go with the petitioner or with anyone else, then she will send her to the petitioner or where she wants to go, and she also provide security, in case, such Magistrate so desires and such security shall be for that time period which the concerned Judicial Magistrate might deem appropriate.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner 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 with the aforesaid directions.The petitioner shall be at liberty to approach this Court again, in case, need arises. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

20.07.2023
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Whether speaking/reasoned: Yes
Whether reportable: **No.**