

CRWP No. 7912 of 2023

2023:PHHC:103841

224

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

CRWP No. 7912 of 2023

Date of Decision: 10.08.2023

Abhishek Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mrs. Divya Narula, Advocate for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

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ANOOP CHITKARA, J.

The petitioner, who claims to be husband of the detenue-Kanchan, has come up before this Court for release of his wife from the illegal custody of her parents i.e. private respondents and prayed for her production before the Court.

2. Counsel for the State on instructions submits that the police had interacted with the detainee and as per her statement, she is residing with private respondents with her free will and even otherwise she is denying the factum of marriage with petitioner.

3. At this stage, counsel for the petitioner refers to marriage certificate (Annexure P-1) and submits that the detinue is under great mental trauma and imotional stress and prayed for recording of her statement before the Magistrate.

4. Given above, respondent No. 2 is directed to depute police officials including at least one female police official, who shall produce the detinue Kanchan, aged 20 years, who is allegedly confined in her parents' home before the nearest Judicial Magistrate preferably a female Judicial Magistrate.

5. On such production, the concerned Judicial Magistrate shall interact with detainee Kanchan. After such interaction, it is for the Judicial Magistrate's either to record her statement under Section 164 Cr.P.C. or simply to pass an order about her liberty. Needless to say, that the detainee 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.

6. In case, the Judicial Magistrate finds that detenue Kanchan has been opposed to live with her parents then she will send her to the petitioner, 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

10.08.2023
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Whether speaking/reasoned: Yes
Whether reportable: **No.**