

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

CRWP No. 8280 of 2023
Date of Decision: 22.08.2023

Kamal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lajpat Rai Sharma, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

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ANOOP CHITKARA, J.

The petitioner, who claims to be friend of the detenue Rinki, has come up before this Court on the grounds that her friend has been detained by her mother and brother, 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 Rinki, aged 23 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 detainee Rinki. 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 to the effect 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.

5. In case, the Judicial Magistrate finds that detenue Rinki 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.

6. *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.*

7. **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

22.08.2023
Jyoti-II

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