

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

217

**CRWP-10014-2022 (O&M)
Decided on : 14.03.2023**

Sunny

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sumit Kumar, Advocate for
Mr. Kartik, Advocate for the petitioner.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

Mr. Talim Hussain, Advocate alongwith respondent No. 4

SANJAY VASHISTH, J. (Oral)

Present petition has been filed for seeking writ in the nature of habeas corpus directing respondents No. 2 and 3 to produce detenue-Neha, who is stated to be the wife of petitioner and alleged to have been illegally detained by private respondents No. 4 to 10.

Vide order dated 18.10.2022, while issuing notice of motion SSP, Palwal was directed to visit the place of alleged detention of the detenue and then to get her released after recording her statement, if found in illegal detention.

Thereupon, status report dated 09.11.2022 was taken on record vide order dated 24.11.2022, which says as under:

“Status report dated 09.11.2022 filed by respondents No.1 to 3 in the shape of affidavit of Sajjan Singh, Dy. Superintendent of Police, Hodal, on behalf of respondents No.1 to 3, is already on record.

As per the contents of the petition, both petitioner and alleged detenue are major, who performed their marriage on 04.07.2022 and stayed together against the will of parents of Neha Mangla (alleged detenue) for a period about three months, as on 04.10.2022 by deceitful means, private respondents No.4 to 10 took her back to their place.

Counsel for the petitioner has also relied upon the order dated 29.09.2022, passed by this Court in a protection petition

filed by Neha Mangla (alleged detainee) and the present petitioner. Order dated 29.09.2022, passed in CRWP No. 6529 of 2022, says as under:-

“The prayer in the present petition under Article 226 of the Constitution of India is for the issuance of writ in the nature of mandamus for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent Nos.4 to 10 and not to interfere in the matrimonial life of the petitioners.

2. A status report dated 28.09.2022 has been filed on behalf of respondent Nos.1 to 3 by the learned State counsel by way of an affidavit of Sajjan Singh, HPS, Deputy Superintendent of Police, Hodal and the same is taken on record.

3. As per the said reply, the statements of the petitioners were recorded, wherein they have stated that they are residing happily together and they have no apprehension at the hands of respondent Nos.4 to 10. The copies of the statement are annexed as Annexures R1 and R-2 to the reply of the State. The statement of father of petitioner No.1 was also recorded, wherein he has stated that he never threatened the petitioners and will not do so in future. The said statement is annexed as Annexure R-3 to the reply of the State.

4. In view of the above, no further orders are required to be passed by this Court.

5. Disposed of.”

After issuance of notice of motion in the present case, official respondents No.1 to 3 have filed the status report with the copy of statement dated 21.10.2022 of Neha Mangla d/o Raghvir Mangla (stating herself to be age of 20 years) before the SHO, PS Hasanpur. Similar statement dated 21.10.2022 was also got recorded before the Tehsildar, Hotel (Palwal). Both are attached as Annexures R-2 & R-3, respectively along with status

report.

Since present petition is for seeking the release of detenue from the illegal custody, this Court would like to examine whether statement recorded by SHO and Tehsildar, is real stand of the said detenue or due to any kind of pressure upon her from the side of private respondents, as she was taken away by them from her matrimonial home and since 04.10.2022, she is staying in their company.

Adjourned to 25.01.2023.

Respondent No.4 – Raghvir Mangla (who is father of alleged detenue ‘Neha Mangla’) only, is directed to remain present in Court on the next date of hearing to explore the possibility of some peaceful solution for developing healthy relations amongst the parties ”

Again the matter came up for hearing on 25.01.2023 and following order was passed :

“In compliance to the order dated 24.11.2022, respondent No.4- Raghvir Mangla, is present in Court, along with his counsel.

Respondent No.4 says that his daughter ‘Neha’ (alleged detenue) has never performed marriage with petitioner – Sunny. When respondent No.4 was confronted with the order dated 29.09.2022, passed in CRWP No. 6529 of 2022, protection petition filed by the present petitioner – Sunny and alleged detenue ‘Neha’, wherein, stand taken by the petitioners and alleged detenue ‘Neha’; stand taken in the reply of the official respondents, and the stand taken by respondent No.4, was recorded; there is no explanation with him, as under what circumstances, detenue left the company of the petitioner, just after 4/5 days, and is staying in the company of her parents since 04.10.2022.

Learned counsel for the petitioner requests that respondent No.4 be directed to produce the detenue ‘Neha’ before this Court, and after giving her reasonable time to think over, she be allowed to explain the truth. Learned counsel for the petitioner has given assurance to this Court that on

appearance of detainee 'Neha' before this Court, no untoward incident at the instance of the petitioner will happen inside or outside the Court, otherwise, he would be ready to face the consequences.

Respondent No.4 agrees to the said request of learned counsel for the petitioner.

Adjourned to 14.03.2023, for further consideration.

Respondent No.4 – Raghvir Mangla, is directed to produce the detainee 'Neha' before this Court, on the next date of hearing. Petitioner shall also remain present in Court at the time of hearing. ”

Today, detainee- Neha, is present before the Court with her father Raghvir Mangla (respondent No. 4), who is represented through his counsel namely Mr. Talim Hussain, Advocate. Respondent No. 4 and his counsel identifies the detainee and submits that she has joined the company of her parents with her free will and wish. So, there is no question of illegal detention.

On being asked by the Court, the contention addressed by the Counsel for respondent No. 4 is confirmed by alleged detainee-Neha.

Thus, no issue is left with the Court to decide in the present petition, hence same stands dismissed.

Dismissed.

(SANJAY VASHISTH)
JUDGE

14.03.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No