

CRWP-11172-2022

Date of Decision:13.02.2023

Rajkali

...Petitioner

vs.

State of Haryana and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Ashok K. Sharma (Bhana), Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. R.K Doon, Advocate
for respondent No.6.Mr. K.P. S Virk, Advocate
for respondents No.7 to 10.

N.S.Shekhawat J. (Oral)

The petitioner, who is mother of the alleged detainee, namely, Indu, had filed the present petition before this Court for issuance of writ in the nature of Habeas Corpus for the release of detainee namely, Indu who was allegedly confined by respondents No.5 to 10 in illegal custody.

Vide the order dated 22.12.2022, this Court observed that as per birth certificate issued by Registrar (Birth and Death), the date of birth of the alleged detainee was 17.05.2005, whereas as per the matriculation certificate, the same was 17.07.2004. Consequently, it was ordered that the alleged detainee namely, Indu would continue to stay in protection home maintained at District Head Quarters, Jind, under the custody of District Child Welfare Officer.

Apart from that, the State of Haryana was directed to hold an enquiry with regard to the date of birth of the alleged detainee, Indu.

Reply by way of an affidavit of Deputy Superintendent of Police Jind, Law and Order has been filed on behalf of respondents No.1 to 3.

Learned State counsel submits that the SHO Police Station, Civil Lines, Jind got conducted enquiry through ASI Dinesh Kumar. During the course of enquiry, the statement of Indu daughter of Naresh Kumar was recorded and she stated that she, voluntarily and out of her own free will, had solemnized marriage with respondent No.5, namely Sagar son of Rajesh Kumar and she did not apprehend any threat or danger to her life and liberty. Learned State counsel further submitted that an enquiry was held with regard to the date of birth of the alleged detainee, Indu. During the course of enquiry, while it was found that in the year 2004, husband of the petitioner namely Naresh Kumar was posted in Amer Kot and at that time petitioner Raj Kali gave birth to a child and as per the records no entry regarding date of birth of child Indu was found at concerned PHC, Amerkot, Khemkaran District Tarn Taran in the year 2004-2005.

During the course of enquiry, the information regarding date of birth of Indu was sought from Primary Health Centre, Ramrai; according to which the date of birth of Indu daughter of Naresh Kumar was 17.05.2005 and the entry regarding birth of Indu was made at the instance of her grandfather, who was watchman of the village.

Learned State counsel further submitted that the during the course of enquiry, no document/evidence came on the file which suggests that the date

of birth of Indu was 17.05.2005 except birth certificate issued by Primary Health Centre, Ramrai; whereas the other documents viz school records of Government Model Sanskrit, Sr. Sec. School, Defence Colony, Jind, DMC of Secondary School Education issued by National Institute of Open Schooling, Government of India, Aadhar Card, Family ID and entry made in the service of book of Naresh Kumar (husband of the petitioner), reveal that the date of birth of Indu is 17.07.2004, which seemed to be genuine.

In compliance of the last order, the alleged detinue, namely Indu has been produced before the Court during the course of hearing. I have interacted with Indu and she states that she had married respondent No.5, namely Sagar out of her own will and wanted to stay with her husband i.e Sagar son of Rajesh Kumar. Since, during the course of enquiry, the alleged detinue has been found to be major and she wants to join the company of her husband in her matrimonial home, she is free to go to a place of her own choice.

In view of these submissions, no further orders are required and the petition is accordingly disposed off.

13.02.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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