

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

CRWP-10789-2023
Date of Decision : November 16, 2023

PAWAN KUMAR -Petitioner

V/S

STATE OF PUNJAB AND OTHERS -Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Malvi Aggarwal, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ of habeas corpus, as cast under Article 226 of the Constitution of India, the petitioner seeks release of his daughter, alleged detenu Ritika, aged about 18 years, from the illegal custody of the respondent No.5.
2. On the last date of hearing, i.e. 06.11.2023, this Court had made the hereinafter extracted order:-

“Petitioner, who is stated to be father of the alleged detenue-Ritika has filed the instant petition under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus.

From the contents of the present petition, it reveals that the alleged detenue-Ritika, who is major, probably has left with her own will. Therefore, instead of straightaway issuing the writ of habeas corpus, at this stage, it is appropriate to direct the SHO concerned i.e. respondent No.3-Station House Officer, Police Station, Sidhwan Bet to get recorded the statement of the alleged detenue-Ritika before the concerned Magistrate under Section

164 Cr.P.C. After recording the statement of the alleged detenue- Ritika, status report be filed before this Court on or before the date fixed positively. In case of non-compliance of above directions, respondent No.3-Station House Officer, Police Station, Sidhwan Bet shall remain present in person on the date fixed.

Adjourned to 16.11.2023.”

3. In compliance of the above extracted order, the learned State counsel has placed on record a status report, through affidavit of Satvinder Singh Virk, PPS, DSP, Jagraon, District Ludhiana (Rural).

4. The status report (supra) makes revelations that the order (supra) made by this Court was duly complied with, through recording the statement of alleged detenu Ritika, under Section 164 Cr.P.C., before the learned Magistrate concerned. What further emanates from the status report (supra) is that the alleged detenu Ritika has attained the age of majority, as she is aged 19 years. She voluntarily expressed her volition that she does not want to rejoin the company of the petitioner, who is her father.

5. Therefore, the status report (supra) makes it discernible that the petitioner is not detained, either wrongly or illegal, rather she is moving freely and is living as per her own choice, which consequently renders the present writ petition unamenable for any intervention being made thereon by this Court. The writ petition is dismissed accordingly.

November 16, 2023
devinder

(KULDEEP TIWARI)
JUDGE

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