

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

220

**CRWP-12100-2022 (O&M)
Decided on : 18.01.2023**

Satyajeet

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Nafeesh Ahmed, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

Status report dated 10.01.2023 by way of an affidavit of Sukhbir Singh, HPS, Assistant Commissioner of Police, Tigaon, District Faridabad on behalf of respondent No. 1 to 3 has been filed by learned State counsel and same is taken on record.

Registry is directed to tag the same at appropriate stage.

Order dated 21.12.2022 passed by this Court says as under:

“Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of habeas corpus.

Learned counsel for the petitioner submits that the petitioner and detenu had performed marriage after attaining the age of majority and feeling apprehension of their life in danger CR.W.P. NO. 11646 of 2022 was filed by both of them and same was disposed of vide order dated 13.12.2022 with a direction to Superintendent of Police, Faridabad to examine the representation dated 07.12.2022 and then to ensure the safety of live and liberty of the petitioner and the alleged detenu. Learned counsel for the petitioner further submits that thereafter, on 19.12.2022, family members of the relatives of the detenu, forcibly took away wife of the

petitioner and illegally detained her against her wishes.

Notice of motion, for 18.01.2023.

In the meantime, Registry is directed to appoint a Warrant Officer, on payment of usual charges, who will visit the place(s) of alleged detention of detenue. If detenue is found in illegal detention, she be got released immediately, after recording her statement, subject to the detenue be of the age of majority.

Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court”.

Today, report of warrant officer dated 18.01.2023 has been submitted in the Court and same is opened from the seal cover and perused and same is taken on record. Registry is directed to tag the same appropriate place.

From the said report it is found that alleged detenu has got recorded her statement under Section 164 Cr. P.C. wherein she stated that she is presently happily living with her parents at her own free will and without any pressure.

Relevant part of the said report says as under:

“REPORT

For carrying out the orders dated 21.12.2022 passed by Hon'ble Court in the above said case undersigned was appointed as Warrant Officer to visit the place(s) of alleged detention of detenue. The warrant and notices were given to me by the counsel of the petitioner at 10.30 a m. on 24.12 2022.

Accordingly, proceeded for Police Station Tigaon District Faridabad and reached there at 4.30 P.M. Petitioner namely Satyajeet was already present there. In the Police Station Inspector/SHO Sh. Balbir Singh was present to whom I disclosed my identity and purpose to visit. demanded Police Force from the SHO to search alleged detenu. Accordingly, a police party was deputed

for the purpose. Meanwhile, SHO informed me that the alleged detenu is coming to the Police Station. After some time, alleged detenu alongwith her Mother, Brother and two Mausi (sisters of her mother) entered the Police Station. I asked her in the presence of petitioner if she wants to go with him, but she refused. Thereafter, recorded her statement (Annexure 'A') she stated that she is living with her parents at her own free will without any pressure. Nobody has detained her. Her life is not in danger in the hands of her parents. She will not go with any other person except her parents. It is pertinent to mention here that as intimated by the SHO alleged detenu had recorded her statement u/s 164 Cr. P.C. before the court of Ms. Aakirti Verma, JMIC, Faridabad (Annexure 'B'), wherein she had stated that she not want to stay with Petitioner namely Satyjeet and she wants to go with her mother.

After recording statement of the alleged detenu and receiving the copies of Roznamcha reports entered vide bearing DD No. 016 dated 24.12.2022 & DD No. 016 dated 24.12.2022 (Annexure 'C' &'D' respectively), I came out from the Police Station and returned back to my residence at around 2.15 A.M on 25.12.2022.

Submitted for kind perusal, Please.”

In view of the above, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to seek appropriate remedy available to him, in accordance with law.

Dismissed as withdrawn, with liberty as prayed for.

(SANJAY VASHISTH)
JUDGE

18.01.2023

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