

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

CRWP-12348-2022

Date of Decision: 13.01.2023

Mustqeen

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Khalid Tauru, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, Asstt. Advocate General, Haryana.

Mr. Afzal Hussain, Advocate, for respondent No.5.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has filed the present petition for issuance of writ in the nature of habeas corpus, directing the official respondents for releasing the detenue, namely, Saniya, from the illegal custody of private respondents No.4 to 7.

Vide order dated 05.01.2023, the State was directed to file status report, which was filed on 09.01.2023. It has been mentioned in the said status report that FIR No.546 dated 25.12.2022, under Section 365 IPC was registered on the statement of Mustqeen brother of detenue-Saniya and the investigation is still going on. It has further been stated that the victim and accused- Sahil have also released a video clip on internet, wherein, the victim stated that she has not been kidnapped by any person and she has gone with Sahil with her own free will and she does not want to go with her parental house as her Tau and other family members would kill her. The detenue and Sahil have also approached this Court by way of filing CRWP-12363-2022 seeking protection to their life and liberty and to restrain the private respondents No.4 to 8 from harassing or interfering in

their peaceful life. In the said petition status report was filed, wherein, both the boy and girl are stated to have appeared before the police and they were produced before the learned Magistrate for recording of their statements on 09.01.2023. The statement of petitioner No.1 was recorded wherein she deposed that she had fallen in love with Sahil and went with him with her own free will. She deposed that on 26.12.2022, both of them performed Nikah at Punhana and she is living with Sahil as on date. She further deposed that her Tau, namely, Tohid has threatened them to be killed.

Keeping in view the statement of the detenue, wherein she has expressed her desire not to go with her parents' house as she is apprehending danger to her life from them. Thus, when the detenue is not in illegal custody of private respondents No.4 to 8, the question of directing the official respondents for release of detenue, does not arise. Consequently, the present petition is dismissed.

13.01.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No