

2024:PHHC:056166

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CRWP-222-2024
Date of Decision : April 25, 2024

BABLU SAVPetitioner
VERSUS
STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rajesh Malik, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 24.1.2024, the following order was passed by this Court:-

*“1. On 10.01.2024, this Court had passed the hereinafter
extracted order:-*

*“1. Through the instant writ of habeas corpus,
the petitioner craves for release of his minor
daughter, detenu Mira Kumari, aged about 14
years, from the illegal custody of respondents No.5
to 7.*

*2. The learned State counsel has informed this
Court that, despite registration of FIR No.200
dated 23.06.2023, at P.S. Sector 5, Panchkula, the
alleged detenu Mira Kumari has not yet been
traced.*

*3. In such circumstances, this Court deems it
appropriate to call for a personal affidavit of the
Commissioner of Police, Panchkula, who shall
detail therein all the efforts, as made by the police
to trace the alleged detenu, besides shall also
detail therein the stage of investigation. In
addition, the said affidavit shall also disclose the
further course of action, as proposed by the
Commissioner of Police, Panchkula, to trace the
alleged detenu.*

4. *List on 16.01.2024 for awaiting the affidavit.*
5. *It is clarified that the above affidavit shall be positively filed on or before the subsequent date of hearing. In case, the asked for affidavit is not filed within the stipulated period, the Commissioner of Police, Panchkula, is directed to record his personal appearance before this Court, at 10:00 a.m., on the subsequent date of hearing.”*
2. *In compliance of the hereinabove extracted order, reply on affidavit of Sibash Kabiraj, IPS, Commissioner of Police, Panchkula, was filed before this Court. The reply makes revelations that the Commissioner of Police, Panchkula, had carried out a strenuous exercise, which resulted in the alleged detenu Mira Kumari becoming traced and recovered from the custody of respondent No.5-Vicky, against whom FIR No. 200 dated 23.06.2023, has been registered at P.S. Sector 5, Panchkula. Thereafter, the alleged detenu was produced before the learned Magistrate concerned, whereupon, her statement under Section 164 of the Cr.P.C was recorded. In her statement, the alleged detenu deposed that she had voluntarily accompanied the respondent No.5-Vicky and she has solemnized marriage with him and now she wants to reside with him.*
3. *The reply (supra) further reveals that since the alleged detenu is aged about 14 years and 11 months and she had refused to join the company of the present petitioner, who is her father, therefore, she has been shifted to “Ashiana”, i.e. a home for destitute.*
4. *In view of the above, this Court, at this stage, deems it appropriate to direct the respondent-State to,*

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through a qualified counselor, conduct counseling of the alleged detenu/victim, and thereupon, the outcome of the counseling so conducted shall, in the shape of a report, be placed before this Court.

5. *It is clarified that if the counselor concerned may deem it necessary to conduct multiple counseling sessions with the alleged detenu/victim, then as many counseling sessions as required, shall be conducted.*

6. *List on 25.04.2024 to await the outcome of counseling.*

7. *In the meantime, the officials of “Ashiana” concerned are directed to ensure that the alleged detenu/victim is provided with all the basic amenities of life, besides shall also be provided assistance, by making requisite arrangement(s), if she desires to pursue her studies.”*

2. Today, reply has been filed by the learned State counsel. As per the reply, after counselling the minor girl, she has opted to join the company of her parents.

3. In view of the supervening events, the instant petition is **dismissed** as having been rendered infructuous as no cause of action survives any more.

(KULDEEP TIWARI)
JUDGE

April 25, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No