

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113 CRWP-2067-2024
Date of Decision : March 12, 2024

RAHUL -PETITIONER

V/S

STATE OF PUNJAB AND OTHERS -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ashish Nagar, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ of habeas corpus, the petitioner seeks issuance of directions upon the official respondents concerned, to ensure release of the alleged detenu, namely, Harshita Upadhyay, whom he claims to be her wife, from the illegal detention of the private respondents concerned.
2. This Court had, on the last date of hearing, i.e. 04.03.2024, directed the D.C.P., Ludhiana, to trace the alleged detenu and thereupon, to personally produce her before the learned Magistrate concerned for recording her statement under Section 164 of the Cr.P.C. In addition, the D.C.P., Ludhiana, was also directed to, after making compliance of directions (supra), file his personal affidavit.
3. Accordingly, today the learned State counsel has filed the affidavit of Jaskiranjit Singh Teja, PPS, Deputy Commissioner of Police (Rural), Ludhiana, which is taken on record.

4. What emanates from scrutiny of the affidavit (*supra*), is that, the alleged detenu, who was in fact residing at her parental house in Uttar Pradesh, was brought to Ludhiana and thereafter, her statement under Section 164 of the Cr.P.C. was recorded before the learned Magistrate concerned on 11.03.2024. In her statement (*supra*), though the alleged detenu has admitted the *factum qua* her performing marriage with the petitioner, however, she has also stated in unambiguous terms that the petitioner had forcibly performed marriage with her. She has further stated therein that, she had voluntarily accompanied her father to Uttar Pradesh and now, she has been happily living with her parents and does not have any danger from them. Not only this, she has even went on to state that the petitioner is yet threatening to do something wrong with her, in case, she does not make an affirmative statement in his favour.

5. A bare glance at the affidavit (*supra*) reveals that the alleged detenu is not at all in any wrongful confinement, which may impel this Court to issue a writ of habeas corpus, rather she has been happily living with her parents. In view of the above, the instant writ petition warrants no further action and the same is accordingly **dismissed**.

March 12, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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