

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-3790-2024
DECIDED ON: 03.05.2024

SUNEEL KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pardeep Kumar Kapila, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus seeking directions to respondents No.1 to 3 to get release the detenue namely Divya (wife of the petitioner) by appointing the warrant officer, who is stated to have been in the illegal confinement of respondent No.4 (father of the alleged detenue).

In compliance of the order dated 25.04.2024, status report by way of an affidavit of Dr. Anshu Singla, IPS, Superintendent of Police, District Palwal has been filed on behalf of respondents No.1 to 3, which is taken on record. Copy thereof has been supplied to the learned counsel for the petitioner today in Court.

Learned State counsel has referred to Para No.2 of the status report and submits that FIR No.076, dated 22.04.2024, under Section 346 IPC has been lodged by the father of the alleged detenue namely, Rakesh

Kumar with Police Station Hasanpur, District Palwal. Relevant paras No.3 and 4 reads as under:-

“3.That the victim Divya @ Preeti was recovered and produced before the court on 23.04.2024. Her statement was also got recorded under section 164 Cr.P.C which is Annexure R-1. In her statement she state that she had an altercation with her mother on 20 April 2024 and, therefore, she had gone out of her house. She further stated that nobody had committed any wrong act with her and she wanted to live with her parents. As the allegations in the complaint were found false during the investigation, the cancellation report was prepared on 25.04.2024.

4. That the Dy. Superintendent of Police, Hodal also recorded the statement of victim Divya @ Preeti on 30.04.2024 which is Annexure R-2. In her statement she has stated that on 20.04.2024 she had gone with Suneel Kumar (petitioner) and her parents got the above said FIR registered. Thereafter, the police had got her statement recorded under section 164 Cr.P.C after her recovery and production before the court. She further stated that she had stated in her statement under section 164 Cr.PC that she wanted to live with her family members. She also stated that she was living with her parents voluntary without any external pressure and her parents had not kept her confined and she was making the statement voluntarily and without any pressure.”

A perusal of the statement under Section 164 Cr.P.C. as well as statement of the alleged detainee before the Deputy Superintendent of Police dated 23.04.2024 and 30.04.2024 respectively, it is abundantly clear that she is not in illegal confinement of respondent No.4, who has categorically

stated that she wanted to live with her parents and does not want to join the company of the petitioner.

Faced with the situation, learned counsel for the petitioner prays for withdrawal of the present petition.

Prayer is accepted.

Dismissed as withdrawn.

03.05.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>