

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4166-2024 (O&M)
Date of order: 08.05.2024

Seema Devi & another
... Petitioner(s)
Versus
State of Haryana and others
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Satender Kumar, Advocate
for the petitioner(s).
Mr. Vikrant Pamboo, Sr. D.A.G., Haryana.

ANOOP CHITKARA, J.

Seeking release of the alleged detainee from the illegal custody of respondent no.4, who is alleged to have enticed her on the pretext of performing marriage, the petitioners who are her parents, have come up before this Court under Article 226 of the Constitution of India.

2. Petitioners counsel submits that respondent no.4 has enticed her away on the pretext of performing marriage with her, however, the alleged detainee is minor.
3. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.
4. State's counsel submits that an FIR was already been registered in the matter even prior to filing of the present petition and they are making all efforts to trace the detainee. However, the alleged detainee has two dates of birth. As per the date of birth recorded in her Aadhar Card, her date of birth is 13.4.2007 and thus, she is minor, whereas as per the school's certificate, she is 18 years of age.
5. Be that as it may, let efforts be made to trace out the alleged detainee first and the moment, she is traced, she be produced before the District Magistrate/SDM

concerned, preferably a female, who shall interact with her and if she is found to be in major and in illegal custody, ensure her immediate release. However, if she is found to be minor, her custody be handed over to her parents or she be sent to Child Care Home.

6. This petition is closed with the directions mentioned above, which are to be complied with on a priority. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the alleged detenu is required in any cognizable case. It shall also be open for the petitioner to approach this Court again for any surviving or consequent grievances.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

May 08, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No