



CRWP-4412-2024 (O&M) and another connected case

-1-

106 + 229 (2 cases)

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

Date of Decision:- 12.08.2024

(1)

CRM-W-961-2024 in/and CRWP-4412-2024

Yusuf

...Petitioner

Versus

State of Haryana and Others

...Respondents

(2)

CRM-W-859-2024 in/and CRWP-4675-2024

Imrana and Another

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Akash Sheoran, Advocate
for the petitioner in CRWP-4412-2024.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

Mr. Umesh Pandey, Advocate and
Mr. M.M. Pandey, Advocate
for the petitioner in CRWP-4675-2024 and
for respondent No. 5 in CRWP-4412-2024.

AMARJOT BHATTI, J.

1. Petitioner Yusuf filed **Criminal Writ Petition No. 4412 of 2024**
under Article 226 of Constitution of India for issuing writ in the nature of
Habeas Corpus for appointing Warrant Officer and directing him to release
detenue i.e. his daughter Imrana from illegal custody of respondent No. 5



CRWP-4412-2024 (O&M) and another connected case

-2-

Jasim and his accomplices and for any suitable direction which the Court may deem fit.

On the other hand, petitioners Imrana and Jasim Khan filed **Criminal Writ Petition No. 4675 of 2024** under Article 226 of Constitution of India in the nature of Mandamus for directing official respondents No. 1 to 3 to protect life and liberty of petitioners from the hands of respondents No. 4 to 13 and not to harass them by filing false criminal complaint and to decide their representation dated 17.05.2024, Annexure P-5, or to pass any other order/direction which the Court may deem fit.

Matter in controversy involved in both cases is arising out of same facts. Therefore, both petitions are taken up together for disposal.

2. Petitioner in **CRWP-4412-2024** alleged that earlier also detainee/victim 'I' was kidnapped and raped by respondent No. 5, regarding which FIR No. 114 dated 01.07.2023 under Sections 363, 366-A, 376, 452, 506 of IPC and Section 4 of POCSO Act was registered at Police Station Nagina, Annexure P-1. Respondent No. 5 Jasim is yet to be arrested in this FIR. Marriage of detainee was fixed with Rizwan s/o Jamshid on 15.05.2024. Marriage card is Annexure P-2. On 11.05.2024 at night time, respondent No. 5 Jasim along with other accused forcibly kidnapped detainee from the house regarding which FIR No. 141 dated 12.05.2024 is lodged against respondent No. 5 and his accomplices under Section 363, 366, 506 of IPC at Police Station Nagina, which is Annexure P-3. Respondent No. 5 has illegally kidnapped detainee. Therefore, immediate



CRWP-4412-2024 (O&M) and another connected case

-3-

raid be conducted to recover his daughter/detenué.

3. On the other hand, petitioners Imrana and Jasim Khan in **CRWP-4675-2024** alleged that petitioner No. 1 Imrana is more than 18 years of age. Her date of birth is 01.01.2006. Copy of her Aadhaar Card is Annexure P-1. She belongs to Muslim religion and studied up to 5th class. On the other hand, petitioner No. 2 Jasim Khan is more than 23 years of age. His date of birth is 01.01.2001. Copy of his Aadhaar Card is Annexure P-2. He also belongs to Muslim religion and studied up to 9th class. It is alleged that parents of petitioner No. 1 wanted to perform marriage of petitioner No. 1 Imrana against her wishes, with the boy whom she did not like. She always wanted to marry petitioner No. 2 Jasim Khan. They were in relationship for the last 5 years. Petitioner No. 1's father has registered a false FIR against petitioner No. 2 Jasim Khan. Thereafter, she was kept confined in her house and she was not allowed to contact petitioner No. 2. Petitioner No. 1 tried to convince her parents regarding their marriage but they did not listen. Finally, she (petitioner No. 1) left parental house on 11.05.2024 to solemnize marriage with petitioner No. 2 on 13.05.2024. Copy of Marriage Certificate is Annexure P-3 and certificate of registration of marriage is Annexure P-3/1. They filed representation through Speed Post on 14.05.2024 to SHO, Police Station Nagina. Postal receipt is Annexure P-4. Petitioners apprehended harassment from the hands of private respondents No. 4 to 13. They again filed representation on 17.05.2024. Copy of representation and receipt are Annexure P-5. Ultimately, they filed present petition.



CRWP-4412-2024 (O&M) and another connected case

-4-

4. In **CRWP-4412-2024**, respondents No. 2 and 3 were directed to recover and produce detainee Imrana before this Court, with further direction to take all necessary steps to protect life and liberty of detainee Imrana vide order dated 13.05.2024. On 17.05.2024, detainee could not be produced in Court. However, ASI Ravinder Kumar informed that said detainee and respondent No. 5 have solemnized marriage on 13.05.2024, as they had received a representation through Speed Post. Finally detainee Imrana was produced in Court on 24.05.2024 and she was lodged in Nari Niketan, Sector 26, Chandigarh. Alleged detainee was making contradictory statements. She was ordered to be medically examined and further it was directed that she be not harassed or influenced by anybody. She was also permitted to communicate with her parents as well as Jasim Khan on telephone once in a day, in order to explore amicable solution in the given facts and circumstances of case. She was again produced in Court on 31.05.2024 and it was observed that further counseling session was required and she was again sent back to Nari Niketan, Sector 26, Chandigarh. She was again produced in Court on 02.07.2024 where learned counsel representing detainee Imrana pointed out that Imrana is major and she did not want to stay in Nari Niketan and learned counsel representing detainee wanted to file application for her release.

5. In **CRWP-4675-2024**, learned counsel for applicant/petitioner No. 1 filed application i.e. **CRM-W-859-2024** for release of petitioner No. 1 Imrana from Nari Niketan, Sector 26, Chandigarh. It is alleged that both petitioners are of marriageable age. Petitioner No. 1 got married with



CRWP-4412-2024 (O&M) and another connected case

-5-

petitioner No. 2, who is a man of her own choice. Therefore, she may be released from Nari Niketan, Sector 26, Chandigarh and be allowed to go with her in-laws as per her desire.

On the other hand, learned counsel for petitioner Yusuf in **CRWP-4412-2024** filed application i.e. **CRM-W-961-2024** that detenue wants to accompany her parents. Therefore, she may be released from Nari Niketan, Sector 26, Chandigarh and may be allowed to accompany her parents.

6. For proper adjudication of both applications, Imrana is produced in Court today. She gave her statement in presence of her counsel that she is more than 18 years of age. She was kept confined by her parents in parental house. She did not want to accompany her parents and wanted to stay with her husband Jasim Khan and his family and prayed for her release from said Nari Niketan.

7. I have heard the arguments advanced by learned counsel representing petitioner(s) in both cases as well as learned counsel representing State. Status report is also filed today in CRWP-4412-2024, which is taken on record. Facts of case indicate that Imrana was sent to Nari Niketan, Sector 26, Chandigarh vide order dated 24.05.2024 and till date she is residing in Nari Niketan, Sector 26, Chandigarh. During this period, she was permitted to talk to her parents as well as to Jasim Khan. No amicable settlement could be arrived at between both parties. Imrana consistently stated that she did not want to stay with her parents and wanted to accompany her husband and in-laws. Enough time was given to



CRWP-4412-2024 (O&M) and another connected case

-6-

Imrana to think about her future wisely. She was also given an option to stay in Nari Niketan, Sector 26, Chandigarh, considering the hostile atmosphere. However, Imrana insisted to accompany her in-laws. Today, parents of Imrana and mother of Jasim Khan are present in Court. Imrana is major. She is wise enough to make her own decisions nor she can be kept in Nari Niketan, Sector 26, Chandigarh against her wishes. Therefore, Imrana is ordered to be released from Nari Niketan, Sector 26, Chandigarh by completing all formalities.

8. Consequently, **CRWP-4412-2024** filed by petitioner Yusuf seeking writ in the nature of Habeas Corpus does not hold any ground, since the alleged detainee Imrana daughter of petitioner Yusuf was not in illegal detention of respondent No. 5. Therefore, aforesaid petition is accordingly disposed of, having been rendered infructuous.

9. So far as **CRWP-4675-2024** is concerned, after the release of petitioner No. 1 Imrana from Nari Niketan, Sector 26, Chandigarh, her life and liberty be protected. Respondents No. 2 and 3 are directed to take adequate measures so that no harm is caused to petitioner No. 1 Imrana. At the same time, life of petitioner No. 2 Jasim Khan be also protected from the hands of private respondents No. 4 to 13.

Aforesaid protection order will have no effect on the criminal cases registered against petitioner No. 2 and the same will proceed as per law.

Present petition **CRWP-4675-2024** also stands disposed of accordingly.



CRWP-4412-2024 (O&M) and another connected case

-7-

10. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

12.08.2024

lalit

**(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No