

2024:PHHC:089655



225.

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

CRWP-5241-2024

Date of decision: 17.07.2024

Paras Ghai

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: None for the petitioner.

Ms. Avneet, AAG, Punjab

GURBIR SINGH, J. (Oral)

1. Present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to set free the detainee, namely, Shalu from the illegal custody of respondents No.4 to 6.

2. It is submitted that the petitioner was in live-in relationship with the detainee Shalu, who is the daughter of respondents No.4 and 5. The petitioner and his partner also took protection from the Court of learned Sessions Judge, Moga, vide order dated 22.03.2024 as they were apprehending threat to their life and liberty at the hands of respondents No.4 and 5. However, on 08.04.2024, the parents of Shalu, with the help of local police officials, forcibly took away the detainee from the shop of the

petitioner. Petitioner also gave representation to respondents No.2 and 3 but police failed to take any action in this regard.

3. Vide order dated 31.05.2024, while issuing notice of motion, respondent No.2-Senior Superintendent of Police, Moga, was directed to look into the matter and to submit report.

4. Pursuant thereto, reply was filed, on 18.06.2024, on behalf of respondents No.1 to 3 along with the statement of said detenue (Annexure R-1/T), copy of her school certificate (Annexure R-2/T) and report of SHO (Annexure R-3/T). The alleged detenue, who is minor and is studying in 11th class, has recorded her statement that she is residing with her parents with her own sweet will and she has not been detained by private respondents.

5. There is no representation on behalf of the petitioner. On the previous date of hearing also, no one was present on behalf of the petitioner, however, the alleged detenue was present in the Court along with her father.

6. Keeping in view the statement of alleged detenue that she is residing with her parents with her own sweet will and she has not been detained by private respondents, no further order is required to be passed in the present petition and it is dismissed accordingly.

(GURBIR SINGH)
JUDGE

July 17, 2024
sanjeev

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