

2024:PHHC:080361



207.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.5689 of 2024
Date of decision: 20.06.2024

Ashu Agnihotri Petitioner

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Joginder Pal Devgan, Advocate, for the petitioner.

Mr. Manmeet Singh Teji, AAG, Punjab.

GURBIR SINGH, J. (Oral)

1. The instant criminal writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus, to appoint a Warrant Officer or directing respondents No.2 and 3 to release the detainee, namely, Rajni, who is in live-in partner of the petitioner, from the illegal confinement of respondents No.4 to 7.
2. Vide order dated 14.06.2024, notice of motion was issued in the case and Warrant Officer was appointed. Said order reads as under:-

“In the present petition, the petitioner claims that detainee-Rajni had been in live-in relationship with him however, she was already married with respondent No.4. It is submitted that the detainee had filed a petition for seeking annulment of the marriage with respondent No.4 and that the petitioner as well as the detainee have approached this Court by way of filing CRWP-1942-2024 for protection of their lives

and liberty at the hands of the private respondents. Notice of motion was issued in the side case vide order dated 04.03.2024 for 27.05.2024. A direction was also issued to the official respondents to look into the matter and to assess the threat perception if any and to do needful. On the subsequent date of hearing, it was informed that the private respondents accepted the live-in relationship of the detainee with the petitioner and on the basis of the above-said assurance, CRWP-1942- 2024 was rendered infructuous vide order dated 27.05.2024. However, thereafter, the private respondents have forcibly taken away the detainee on 02.06.2024 and they have given beatings not only to the petitioner but also to the Rajni (detenue).

Learned counsel for the petitioner submits that the detainee is in the illegal confinement of the private respondents and an apprehension is expressed about the safety of life and liberty of the detainee.

Notice of motion.

Without commenting on the merits of the present case, let a Warrant Officer be appointed to accompany the petitioner for securing the well being of the detainee from the unlawful custody/detention of the private respondents No.4 to 7. The necessary statutory charges as determined by law for appointment of Warrant Officer and also to arrange for the transportation of the Warrant Officer from Chandigarh and till his journey back shall be borne by the petitioner.

The report may be filed on or before 20.06.2024.”

3. Today, Mr. Munish Raj Chaudhary, Advocate has caused appearance on behalf of respondents No.4 to 7 and filed memo of appearance, which is taken on record.

4. Pursuant to order dated 14.06.2024, the Warrant Officer has filed his report in the Registry in a sealed envelope on 19.06.2024. The said report is opened in Court today, which is dated 18.06.2024 and the same is taken on record. The relevant extract of said report reads as under:-

“Undersigned alongwith above mentioned police officials entered the house of respondent no.4, after giving introduction and purpose of visit asked Raj Kumar-respondent no.4 (husband of the alleged detainee) to call alleged detainee-Rajni (his wife) so that her statement could be recorded. In the meanwhile, came Rajni-alleged detainee, on asking by the undersigned as to whether she has been detained there illegally to which she replied that no one has detained her, she is well with her family, no one has beaten her and further said that she wants to live with her husband, children and family. She recorded her statement in her own hand written in Punjabi, which is annexed with this report.”

5. Keeping in view the report of Warrant Officer that the alleged detainee Rajni has got recorded her statement before him that she was not detained illegally and wanted to live with her husband-respondent No.4 and his family, no further order is required to be passed in the present petition and the same is disposed of accordingly.

(GURBIR SINGH)
JUDGE

June 20, 2024
sanjeev

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