

**CRWP-5757-2024****-1-****240**

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

CRWP-5757-2024

Date of Decision:- 11.07.2024

Irshad

....Petitioner

Vs.

State of Haryana and Ors.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTIPresent:- Mr. Sushil Bhardwaj, Advocate
for the petitioners.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

AMARJOT BHATTI, J.

Petitioner Irshad has filed petition under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Habeas Corpus by way of appointment of warrant officer to search the premises of respondents No.4 to 6 or any other place to trace out the detenue Famina daughter of the petitioner who is about 17 years of age and is in illegal custody of respondents No.4 to 6.

It is pointed out that matter was reported to the police and accordingly FIR No.158 dated 04.06.2024, under Sections 363, 366-A of IPC was registered at Police Station Sadar Tauru, District Nuh which is Annexure P-1. Birth certificate of his daughter is Annexure P-2 which

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clearly shows that she is minor. The investigating officer was informed that his daughter was in illegal custody of private respondents but no step was taken. A representation dated 11.05.2024 was also submitted to Superintendent of Police, Nuh which is Annexure P-3. Ultimately, the present petition has been filed.

Status report filed by learned State counsel on behalf of respondents No.1 to 3 confirming that FIR No.158 dated 04.06.2024 under Sections 363, 366-A of IPC was registered at Police Station Sadar Tauru, District Nuh and the investigation is being conducted by SI Yaad Ram. During the course of investigation raid was conducted to trace out the detainee but they were found missing from their house. On the basis of secret information, the victim and Azim were apprehended and recovered from Nuh on 25.06.2024. The said victim was produced before the Magistrate and her statement was recorded under Section 164 Cr.P.C. As per her statement, she wanted to reside with accused Azim. After counselling done by Child Welfare Committee, Nuh she was sent to Deepalya at village Ghusbethi. Azim was arrested in this case on 25.06.2024. Azim @ Kunna was granted regular bail vide order dated 29.07.2023 by learned Sessions Judge, Nuh.

I have considered the petition as well as the status report filed in this case which clearly shows that the alleged detainee i.e. victim has been recovered. Her statement under Section 164 Cr.P.C. has been recorded before the Magistrate. She did not want to stay with her parents as a result she was sent to Deepalya at village Ghusbethi whereas respondent No.4 was arrested in this case and later on granted regular bail. In view of

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this fact, the writ of habeas corpus filed by the petitioner who is father of the victim is rendered infructuous. The petitioner can avail remedy available to him as per law.

Petition is accordingly disposed of.

(AMARJOT BHATTI)
JUDGE

11.07.2024
sunil devi

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