

2024.PHHC:116623



236.

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

CRWP-6839-2024

Date of decision: 05.09.2024

Virender Kumar

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sumeet Puri, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
for respondents No.1 to 3.

Mr. Pawan Attri, Advocate,
for respondent No.4.

GURBIR SINGH, J.

1. Present criminal writ petition has been filed under Article 226 of Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondent No.4 to release the detainee, namely Sanjana, daughter of the petitioner, who has been illegally and forcefully detained by respondent No.4 since 01.07.2024.

2. Pursuant to order dated 31.08.2024, the alleged detainee, namely, Sanjana is present in Court today. She has produced copies of her matriculation certificate, marriage certificate as well as her Aadhar Card, wherein her date of birth is shown as 11.12.2004. She submits that she is

major and has solemnized marriage with respondent No.4 and is residing happily with him. The petitioner and his father Chander Singh are also present in the Court and they have been allowed to meet with the detainee, Sanjana, in Court itself.

3. Police also conducted enquiry and status report has already been filed in the case. Para Nos.3 and 4 of said status report are as under:-

“3. That the Incharge, Police Post, Patiala Chowk, Jind got conducted enquiry through E/SI Ram Mehar of Police Post, Patiala Chowk, Jind. During the course of enquiry on 23.07.2024, the alleged detainee namely Sanjna wife of Sagar-respondent No.4, daughter of the petitioner namely Virender Kumar and respondent No.4-Sagar were joined in the inquiry and their statement were also recorded. The alleged detainee namely Sanjna (date of birth 11.12.2004) made statement that in the year 2022, when she used to visit at Yaman Green Hotel, Jind, for taking meal then she came in contact of respondent No.4-Sagar, who was working in that Hotel and they became friends with each other. On 08.02.2024, they i.e. she and Sagar-respondent No.4, had voluntarily performed marriage with each other, at Arya Samaj Vivah Mandal, Rohtak and now she is happily residing at her matrimonial house at village Rajana Kalan, and she is not apprehending any danger from any one. It has also been found that Sanjana and Sagar-respondent No.4, both are major. A copy of the statement of Sanjna and Sagar-respondent No.4 is being annexed as Annexure R-1 and R-2, respectively.

4. That so far as the illegal detention/confinement of Sanjna, by respondent No. 4-Sagar, is concerned, it is submitted that during the course of enquiry no evidence came on file which suggests that she (Sanjana) was illegally detained/confined by respondent No.4, rather she was found residing with him voluntarily at her own will and there is no pressure upon her.”

4. A lady, who has attained the age of discretion, has right to live a life of her own choice. She has right to make her own decisions. An adult woman, like any other citizen, has right to be considered as independent

and autonomous person. No one has right to put pressure, coercion or undue influence upon her. The Constitution safeguards her right to live freely and to make her own choices without any external interference. An essence of a writ of Habeas Corpus is to uphold the freedom of individual, assuring that no person is detained against his or her will.

5. In the case in hand, the detinue is major and has already attained the age of discretion. She has right to live with her own choice and she has expressed her desire to reside with her own will, so emotions of father that she should live with him, is of no consequence and same cannot override the constitutional provisions.

6. In the light of above, no further order is required to be passed in the present petition and it is disposed of as such.

(GURBIR SINGH)
JUDGE

September 05, 2024

anil/sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No