



CRWP-6914-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-6914-2024  
Date of Decision: 26.09.2024

Anari Devi  
...Petitioner  
Versus  
State of Haryana and others  
...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Rohan Mittal, Advocate  
for the petitioner  
Mr. Gaurav Bansal, DAG Haryana  
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KIRTI SINGH, J.(Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for a direction to the official respondents No. 2 and 3 to search for the detainee Neelam at the premises of private respondent No. 4 or at any other place and for appointment of a Warrant Officer.
2. Learned counsel for the petitioner *inter alia* submits that the petitioner is the mother of the detainee who is a minor girl aged 15 years. Her date of birth is 01.01.2009. The detainee has been missing since 31.05.2024 and has been kidnapped by respondent No. 4 i.e. Deepak who has been married twice and now wants to marry the detainee (victim). He further submits that the police has also registered an FIR under Section 366 IPC against respondent No. 4. Learned counsel for the petitioner has placed reliance upon judgment passed by this Court in CRWP-5891-2020 titled as *Usman Khan vs. State of Haryana and others*, decided on 14.10.2020.



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Assistant Commissioner of Police, Badkhal, Faridabad was filed wherein the following has been stated :-

*5. That the above said team also recorded the statement of Sh. Prem Dogra, caretaker of House No. C-1, Near Govt. School Sherpur, Distt. Ludhiana (Punjab) wherein he stated that he knows Deepak S/o Vikram Singh. He (Prem Dogra) looks after all the rooms in the area where Deepak lives. Deepak is tenant with them for the around last two months. Deepak works with Sandeep Incharge at Bullet Transport company. Deepak and his wife live happily at their place. Nobody has held Neelam captive. She even goes to market etc. Neelam and Deepak are living happily. Neelam was enquired by the police in his presence as well. Neelam had told that she is a major and she is happy with Deepak. Copy of statement of Prem Dogra is attached herewith as Annexure R-2 for kind perusal of this Hon'ble Court.*

*6. That it is pertinent to mention here that the prosecutrix Neelam also produced her Adhaar Card in which her date of birth has been mentioned as 01.01.2005, according to which the age of Neelam is 19 years 08 months. In her above mentioned statement as well, she has stated her age as 19 years. Copy of Adhaar Card of Neelam is attached herewith as Annexure R-3 for kind perusal of this Hon'ble Court.*

*7. That it is also mentioned here that the progress report of Neelam for the session 2023-2024 of Bhagwan Budh Adarsh Intermediate College Chandan Barwan, Distt. Kashinagar (U.P.) was produced by the petitioner Anari Devi (mother of Neelam), in which her date of birth was mentioned 01.01.2009. The said progress report was got verified*

*from the above named institute on 08.08.2024 by SI Kailash, P.S. Dabua, Faridabad. Sh. Manoj Vishwakarma, Principal of the said institute stated that Neelam is not registered as per their record and the progress report in question has not been issued by him. The signature and stamp affixed on the progress report in question do not pertain to his school. Neelam has not studied in their school. Thus, the progress report having the date of birth of Neelam as 01.01.2009, has been found to be fake.”*

3. During the course of hearing of the present petition, I have also personally interacted with the detinue, who has reiterated that she is major and is residing with respondent No. 4 at her own free will without any coercion.
4. Considering the fact that the detinue is major and is not being abducted and illegally detained by anyone, this Court is of the view that no action is required to be taken on the present Habeas Corpus petition and petition being devoid of any merit and the same is dismissed.

26.09.2024

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(KIRTI SINGH)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |