

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

112

CRWP-8949-2024 (O&M)

Date of Decision : September 30, 2024

GULJARI

-PETITIONER

V/S

STATE OF HARYANA AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sandeep Tanwar, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

Mr. Anoop Kumar Yadav, Advocate
for the respondents No.4 and 7.

Ms./Mrs. Geeta Singhwal, Advocate with
Mr. M.L. Singhwal, Advocate
for the respondents No.5 and 6.

KULDEEP TIWARI, J. (ORAL)

1. On 12.09.2024, this Court had passed the hereinafter
extracted order upon the instant criminal writ petition:-

“The petitioner has approached this Court, by filing the instant petition under Articles 226/227 of the Constitution of India, for issuance of a writ in the nature of habeas corpus, directing respondent Nos. 4 to 7, to release Kajol, wife of the petitioner, who is illegally detained by respondent Nos. 4 to 7.

Notice of motion.

Mr. Bhupender Singh, D.A.G., Haryana, waives service of notice on behalf of the respondent-State. It is alleged in the petition that respondent Nos. 4 to 7, have forcibly taken away the wife of the petitioner, namely Kajol on 5.9.2024 and she is now in illegal confinement of respondent Nos. 4 to 7.

In view of the above, direction is passed upon respondent No.3- Station House Officer concerned, to locate the detenue, and

thereupon, get her statement recorded under Section 183 of BNSS, before the learned Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate concerned.

After recording the statement of detenue-Kajol, the learned trial Court concerned, shall pass an appropriate order in accordance with law.

The Station House Officer concerned, is directed to file detailed status report in this regard, on or before the next date of hearing.

List on 30.09.2024.

To be shown in the urgent list.”

2. In compliance of the directions embodied in the hereinabove extracted order, today the learned State counsel has filed a status report, on affidavit of Yudveer Singh, SI/SHO, Police Station Sadar Mahendergarh, District Mahendergarh, which is taken on record.

3. A perusal of the status report reveals that, on 18.09.2024, the investigating officer concerned located the alleged detenue and produced her before the learned Magistrate concerned, whereupon, the learned Magistrate concerned, after becoming satisfied that the alleged detenue is making the statement voluntarily, recorded her statement under Section 183 of the B.N.S.S. In her statement, the alleged detenue stated that, out of her own free will, she is living alone in Rewari and she does not want to live with her husband Guljari. The relevant extract of her statement, which is enclosed in Annexure R-5 attached with the status report, is reproduced hereunder:-

“Stated that I had a court marriage with Guljari son of Ramkaran resident of village Pali about 1 year ago, but after three-four months of marriage, Guljari started misbehaving with me, started abusing and beating me, pressurized me to have unnatural sex

with me, when I refused, he spoke rudely to me in anger and said that I do not need you, you go somewhere, I do not care, my husband has made my life miserable, then on 05.09.2024 we came to Rewari court in connection with a case, where my husband left me alone and went somewhere, I searched a lot but could not find him, so I also decided that I do not want to live with him anymore, so I am living alone in Rewari since 05.09.2024 and am learning parlor work to make my living. No one has kept me with him by force or by luring me in any way, I am living in Rewari of my own free will, I no longer want to live with my husband Guljari, if he wants, I am also ready to give divorce. I have heard and understood my statement, which is admitted to be correct.”

4. In view of the voluntary statement made by the alleged detainee, it is crystal clear that, out of her own free will, the alleged detainee is living alone and she has not been illegally detained by the private respondents, as alleged in the instant petition. Consequently, when the alleged cause of action does not survive, and, no direction is required to be passed upon the instant petition, therefore, the instant criminal writ petition is **dismissed**.

5. Pending application(s) stand disposed of accordingly.

September 30, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No