

2024:PHHC:007661

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

110

CRWP-11135-2023

Date of Decision : **January 20, 2024**

JAMIL

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Khalid Tauru, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Afjal Hussain, Advocate
for respondents No. 4, 5 and 7.

KULDEEP TIWARI, J. (Oral)

1. On 16.11.2023, the following order was passed:-

“1. Through the instant writ of habeas corpus, as cast under Article 226 of the Constitution of India, the petitioner seeks release of his minor daughter, alleged detenu Sayima, from the illegal custody of the respondents No.4 to 9.

2. The present petition reveals that the Nikah of the alleged detenu Sayima, who is allegedly a minor, was performed with the respondent No.4, whereupon, the private respondents compelled the petitioner to send his daughter with the respondent No.4. However, since the alleged detenu Sayima is a minor, the petitioner requested the private respondents that she will be sent after she attains the age of majority. However, on 10.10.2023, the respondent No.4 and his relatives took away his daughter/alleged detenu on the pretext of leaving her back

in the evening, but, they did not send her back.

3. At this stage, this Court deems it appropriate to, instead of straightaway issuing a writ of habeas corpus, direct the SHO concerned i.e. respondent No.3-Station House Officer, Tauru, District Nuh, to get recorded the statement of the alleged detenu Sayima, under Section 164 Cr.P.C., before the Magistrate concerned. After recording the statement of the alleged detenu Sayima, a status report be ensured to be filed before this Court positively on or before the subsequent date of hearing. In case of noncompliance of above directions, respondent No.3-Station House Officer, Tauru, District Nuh, shall remain present in person on the date fixed.

4. Adjourned to 30.11.2023.”

2. Thereupon, the statement of the daughter of the petitioner was recorded under Section 164 Cr.P.C., which reads as under:-

“1. What do you want to say?

Ans. My marriage was solemnized by my father Jamil with Tarif and now I am residing with Tarif. I am residing with Tarif with my own will and in a decent manner. I have no problem in residing with Tarif at his house. In future, I want to reside with my husband Tarif. My husband does not administer any beating with me. My clothes are with Tailor to be stitched. After stitching my clothes, I will go to my father's house to meet my family members. I do not want to say anything else.”

3. A perusal of the above statement reveals that the alleged detenue is not in illegal detention, rather she is living with her husband happily and freely in her matrimonial home.

CRWP-11135-2023

4. Faced with the above situation, the learned counsel for the petitioner submits that he may be allowed to visit the matrimonial house of his daughter to meet her.
5. Learned counsel for the private respondents has not opposed the aforesaid request, as made by the learned counsel for the petitioner and is happily accepted the petitioner's request as made here-in-above.
6. In view of the above, no further direction is required. The instant petition is ordered to be closed.

January 20, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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