

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

262

CRWP-11557-2023 (O&M)
Date of Decision: 18.01.2024

Mahesh Chand

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. R.D.Gupta, Advocate with
Mr. Viresh Dahiya, Advocate and
Mr. Raghuvinder Singh, Advocate and
Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Parshant Sethi, Advocate for respondents No. 6 and 7.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has filed under Article 226 of the Constitution of India for issuance of a writ, order or direction especially in the nature of Habeas Corpus to secure the release the minor detenue i.e Neha Rathor d/o Mahesh Chand from the illegal custody of respondents No. 5 to 7.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has given a complaint regarding kidnapping and illegal detention of his minor daughter in Police Station Sector-5, Gurugram on 18.11.2023 (Annexure P-1). On the basis of his application, FIR bearing No. 0390/2023 was registered in Police Station Sector-5, Gurugram (Annexure P-2). The concerned jurisdictional police authorities are not investigating the case properly and the daughter of the petitioner has not been recovered till date.

3. Pursuant to issuance of order passed by this Court on

of Mr. Satender Kumar, HPS, Assistant Commissioner of Police, Udyog, Gurugram on behalf of respondents No. 1 to 4 has been filed.

4. The learned State counsel submits that the daughter of the petitioner was recovered on 12.12.2023 and thereafter she was produced before the learned Judicial Magistrate Ist Class, Gurugram and her statement under Section 164 Cr.P.C was recorded and the daughter of the petitioner was recovered from the Court premises where she had gone to meet her lawyer. In her statement made under Section 164 of Cr.P.C, she has made a categoric statement that she had run away from her home as her parents were marrying her against her wishes and respondent No. 5-Mayank has not committed any bad act with her and she wanted to go to the house of respondent No. 5-Mayank. A copy of the statement made by the daughter of the petitioner is attached with the reply as Annexure R-1. The daughter of the petitioner was produced before the Medical Officer however she refused to undergo medico legal examination in the presence of her father.

5. In view of her categoric stand, she was produced before the Child Welfare Committee as she refused to accompany her father and presently she has been with the State Child Welfare Council, Sector-15, Gurugram.

6. Keeping in view the facts and circumstances of the case, nothing survives in the present petition and no further directions are required to be issued.

7. Disposed of.

(HARPREET SINGH BRAR)

JUDGE

18.01.2024

Rajeev (rvs)

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