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

CRWP-1381-2025

Date of Decision: 15.02.2025

HARISH

....Petitioner(s)

VERSUS**STATE OF HARYANA AND ORS**

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vinod Kumar, Advocate
Mr. Narinder Pal, Advocate and
Ms. Sweeti, Advocate
for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. On 10.02.2025, following order was passed:-

‘Present petition has been filed praying for issuance of a writ in the nature of Habeas Corpus and for appointing a warrant officer with a roving writ to search for the detenue namely Saista wife of petitioner Harish from the illegal confinement at One Stop Centre (Safe House) i.e. on 3rd Floor in Govt. Hospital, Palwal. Further prayer has been made for appointing a warrant officer for immediately release of the detenue from the illegal confinement at One Stop Centre (Safe House) i.e. 3rd Floor in Govt. Hospital, Palwal.

Learned counsel for the petitioner has submitted that the petitioner and detenue have performed the marriage on 20.01.2025 at Palwal as per Muslim Rites & Ceremonies and they had approached this Court praying for protection of their life and liberty by way of filing CRWP No.913 of 2025, which was disposed of by this Court vide order dated 29.01.2025. He has



further submitted that the petitioner before this Court is the husband of detenue, who is in the illegal confinement at One Stop Centre (Safe House) i.e. 3rd Floor in Govt. Hospital, Palwal and thus, he prays that warrant officer may kindly be appointed to search the detenue.

Notice of motion.

On asking of the Court, Mr. Tanuj Sharma, AAG, Haryana. appears and accepts notice on behalf of the respondents-State.

To come up on 15.02.2025.

In the meantime, Office is directed to appoint a warrant officer with a roving writ, who shall visit the places mentioned in the petition and any other place(s) pointed out by the petitioner and get the detenue released forthwith, if she is found in illegal custody. The expenses of the warrant officer shall be borne by the petitioner as per norms.

Warrant officer is directed to file its report on or before the next date of hearing.'

2. In pursuance thereto warrant officer was appointed. He has submitted his report in sealed cover, which is opened today by the Court Secretary on the instructions of the Court.
3. As per report, detenue Saista is there under protection as per order dated 07.02.2025 passed by the Child Welfare Committee, Palwal.
4. The report of the warrant officer, bearing the reproduction of order dated 07.02.2025 passed by the Child Welfare Committee, Palwal, says as under:-

'2] Further, I alongwith Petitioner and his associates reached in the Police Station, Mundkati (Palwal) at 03:55 AM where C-474/Palwal Jhul Bihari (Night Duty Munshi) (Mob: 7248053420) with some Home Guards officials were present there. After some time Petitioner and his associates except Mobeen left the Police Station and stayed in their car which was



parked in second lane of road. After disclosing my identity and purpose of visit, on my asking about Incharge of Police Station he said that SHO (Renu Shekhawat) will come present in the morning and all needful is to be done by her. Further, on my asking he contacted the SHO Renu Shekhawat on her Mobile No. 8813999610 from his Mobile (7248053420) and I disclosed my identity to her telephonically and apprised her about my purpose of visit, in response she informed that Saista (Detenue) is not in illegal custody as earlier Harish (Petitioner) and Saista (Detenue) had filed CRL.W.P. No.913 of 2025 and in compliance of the orders dated 29.01.2025 passed in the said case, she is in protection of Child Welfare Committee, Palwal. After some time Head Constable (Main Munshi) 1112/Palwal Narinder came in the Police Station who handed over me a copy of order dated 07.02.2025 passed by the learned Child Welfare Committee, Palwal and he intimated that Saista (Detenue) is in protection vide said orders for the period of 14 days. The orders dated 07.02.2025 passed by the learned Child Welfare Committee, Palwal is reproduced hereunder for the facility of this Hon'ble Court:

"FORM 28

[RULES 18 (5), 18 (9) AND 19 (26)]

*ORDER OF PLACEMENT OF CHILD IN AN INSTITUTION
(Children's Home/Fit Facility/SAA)*

Case No. 4150/2025

2816 Dt. 07/02/2025

CWC/Pwt.

To

The Officer-In-Charge,

Whereas on the 07 day of 02-2025 (name of the child) Sahista son/daughter of Banshi aged 17 y. residing at Vill- Pandla Hegota P.S. Khoha Distt. Bharatpur (Raj.) being in care and protection under the Juvenile Justice (Care and Protection) Act 2015 is ordered by the Child Welfare Committee Palwal, to be kept in the Children's Home/SAA/Fit Facility Vill-Bhogola for a period of 14 days. This is to authorize and required you to receive the said child in your charge, and to keep him/her in the Children's Home/ Fit Facility/SAA Anchal Chaya Vill- Bhogola for the aforesaid order to be carried into execution according to law. The concerned official shall upload the details. In case of an



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orphan or abandoned child in the Track Child/relevant Web Portal.

*Given under my hand and the seal of Child Welfare Committee.
This 07/02/2025'*

5. Since the detinue is under protection by virtue of order passed by the statutory authority/committee, no observation can be made in this present petition whether the detinue is in illegal custody. Therefore, present petition is **disposed of**, being not maintainable.

6. However, it would be open for the petitioner to file appropriate petition before the appropriate forum to seek custody of the alleged detinue, as per law.

February 15, 2025
Sangeeta

(SANJAY VASHISTH)
JUDGE

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No