

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-9649-2021

Date of decision : 14.10.2021

Raseena

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Rosi, Advocate
for the petitioner.

Ms.Manish Dadwal, AAG, Haryana.

Mr.Talim Hussain, Advocate
for respondents no.4 to 11.

VIKAS BAHL, J.(ORAL)

This is a criminal writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for releasing the detenue (husband of the petitioner) who is stated to be in illegal custody of respondents no.4 to 11.

On 07.10.2021, this Court has passed the following order:-

“The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for directing the official respondents No. 1 to 3 to search for the alleged detenue as named in the headnote of the petitioner, who is the husband of the petition and who is stated to be in the illegal custody of respondents No. 4 to 11 at their premises or any other place to be pointed out by the petitioner and to get the detenue released alongwith belongings from the illegal custody of

respondents No. 4 to 11.

Learned counsel for the petitioner has submitted that the petitioner has been married to the detenue since 9 years and from the wedlock they have 3 girl children and on 29.09.2021, the respondents No. 4 to 11 had entered into her house and after giving beatings, had kidnapped the husband of the petitioner and in spite of best efforts, the said detenue has not been released by the respondents No. 4 to 11. It is further prayed that a Warrant Officer be appointed for the said purpose.

Notice of motion for 14.10.2021.

In the mean time, Registry is directed to appoint a Warrant Officer today itself who will visit the place of detention of the detenue or any other place which may be pointed out by the petitioner. In case, the Warrant Officer finds the detenue, then the Warrant Officer would see as to whether the said detenue is in illegal custody or he is there out of his own choice. In case, the Warrant Officer finds that the detenue is in illegal custody, then he will get the said detenue released. For the said purpose, the Warrant Officer, if deems necessary, can also take the assistance from the concerned police station and the concerned police station is directed to provide full assistance to the Warrant Officer in case he approaches them. In case, the said detenue states that he is not in illegal custody then the Warrant Officer would record his statement and get his signatures on the same.

The remuneration of the Warrant Officer shall be borne by the petitioner as per the norms.

The Warrant Officer would submit his report on or before the next date of hearing.”

In pursuance of the said order, a detailed report has been submitted by the Warrant Officer. As per the said report, the husband of the petitioner, who was earlier with his mother and other family members, has

been handed over to the petitioner, who is the legally wedded wife of the detenue. A perusal of the report would also show that the detenue requires medical attention and is unable to look after himself and is dependent on others for his daily needs, including eating food and even to attend nature calls.

In view of the fact that the detenue has been released and is now residing with the petitioner, the present petition is disposed of as having been rendered infructuous.

Learned counsel for the petitioner submits that the petitioner is also apprehending danger to her life as well as to the life of her husband and minor children.

In case the petitioner has any such apprehensions, she can move a representation to the Superintendent of Police, Nuh, who is directed to consider the threat perception to the petitioner and take appropriate action, in accordance with law.

(VIKAS BAHL)
JUDGE

October 14, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No