

(2013) 01 RAJ CK 0201

In the Rajasthan High Court

Case No : Habeas Corpus Petition No. 13179 of 2012

Bhairnath

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 03-01-2013

Acts Referred:

Citation : (2013) 1 WLN 547

Hon'ble Judges : Amitava Roy, C.J.;Narendra Kumar Jain, J

Bench : Division Bench

**Advocate : Sajjan Singh and Mr. Bhairnath Party in Person, for the Appellant;
B.K. Behar, Govt. Advocate, for the Respondent**

Final Decision : Allowed

Judgement

Amitava Roy, C.J.—Heard Mr. Sajjan Singh, learned counsel for the petitioner and Mr. B.K. Mehar, learned Government Advocate for the State of Rajasthan. Mr. Arjun Singh, Circle Officer, Police Station Guda Malani, Barmer, pursuant to the order dt. 15.12.2012 passed by this Court, has produced the detinue in person.

2. We have interacted with the detinue in open Court, in course of which in reply to our queries, she has without any hesitation, disclosed her present age to be 20 years. The materials on record support this version of hers. She has further apprised us that she had been married to the petitioner and that she wishes to be in the company and in the custody of her husband, the petitioner. She has categorically stated before us that she does not wish to go back to her parents. We have also, in the course of deliberations in the Court, interacted with the parents of the detinue, respondents Nos. 6 and 7, who are present in Court.

3. We have also perused the order dt. 25.05.2012 passed by the learned Additional Chief Judicial Magistrate, Barmer, which discloses that thereby he had directed the custody of detinue to the petitioner. The order further reveals that at that point of time, the detinue was lodged in "Nari Niketan", Jodhpur. The order was passed after ascertaining the detinue's wishes to go back to her

husband, the petitioner.

4. In above view of the matter and on consideration of all relevant aspects and after hearing learned counsel for the parties, we direct that custody of detenue be handed over to the petitioner.

5. It would be open to the petitioner, if necessary, to seek adequate police protection so as to facilitate the implementation of the order, in case there is any impediment in the process. The petition stands allowed in the above terms.