
(2017) 02 P&H CK 0040
In the Punjab And Haryana At Chandigarh
Case No : CRWP No. 50 of 2017

Jiwan Lal Sharma

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 20-02-2017

Acts Referred:

Penal Code, 1860 (IPC) — Section 34, Section 354(D), Section 506

Citation : (2017) 2 RCRCivil 1032

Hon'ble Judges : Deepak Sibal, J.

Bench : Single Bench

Advocate : Habibur Rahman, Advocate, for the Respondents No. 4.; I.D. Singla, Advocate, for the Petitioners; Manish Bansal, DAG, Haryana, for the Respondent; Ms. Ashima Mor, APP, for the UT, Chandigarh

Final Decision : Dismissed

Judgement

Deepak Sibal, J. (Oral)- Through the present petition, filed under Article 226 of the Constitution of India, the petitioner prays for the issuance of a writ of habeas corpus for affecting the release of Snehlata, the petitioner's daughter from the alleged illegal custody of respondents No. 3 to 5.

2. In response to the petition, an affidavit of Hamid Akhtar, IPS, Superintendent of Police, Mahendergarh, on behalf of the State has been filed, as per which an inquiry was conducted by the police, which revealed that the complaint filed by the petitioner was false and that Snehlata being a 30 years old lady was well within her rights to stay with anyone as per her will. It was further found in the inquiry that the petitioner wanted to get his daughter married to one Goad Sahib but Snehlata refused to solemnize such marriage. It was for this reason that Snehlata had chosen to leave the petitioner to live with her friend respondent No. 4-Neelam Yadav.

3. Snehlata, who has been identified by her counsel Mr. Habibur Rahman, has appeared before this Court and has stated that she being a major was living with

respondent No. 4 out of her own will. Snehlata has requested for safe passage to her and respondent No. 4 from Chandigarh to Delhi where they both are residing. This statement of hers has been reduced into writing and is ordered to be taken on record as Mark X.

4. In view of the above, the present petition deserves to be dismissed.

5. So far as the threat perception to Snehlata and respondent No. 4 is concerned, learned counsel appearing on their behalf, has brought to my notice an order dated 13.02.2017, passed by the Delhi High Court in WP (CRL) 445/2017, which had been approached jointly by Snehlata and respondent No. 4 seeking protection of their life and liberty. Such order reads as under:-

"Issue notice. Mr. Kundu accepts notice on behalf of respondents No.1 and 2.

Let notice issued to respondent No.3 returnable on 19.05.2017.

The case of the petitioners is that they are living together out of their own free will. They are both major. The parents of petitioner No.1 are seeking to forcibly marry her off against her will. The petitioner No.1 also made a complaint to PS-South Campus on 04.03.2015 and 21.03.2015 on account of the threats received by her at the instance of respondent No.3 and others. Complaint has also been made to the Chandigarh Police by her to seek protection while she is visiting Chandigarh in relation to her studies.

Mr. Kundu points out that in respect of FIR No.484/2015 dated 24.08.2015 registered under Section 354(D)/506/34 IPC, charge-sheet has been filed against four persons, including against respondent No.3, two brothers of petitioner No.1 and one uncle/Shambhu Dayal.

Since the petitioners are both major and are living independently out of their own free will and accord, they are entitled to lead their lives in the manner they wish and respondent No.3, or any other person is not entitled to coerce either of them for any reason whatsoever.

Accordingly, respondents No.1 and 2 are directed to make assessment of threat perceived by the petitioners from respondent No.3 and his other relatives and accomplices, and provide protection to the petitioners after making the said assessment. The mobile phone number of the Beat Constable and the SHO concerned be provided to the petitioners, and in case they receive any call from the petitioners, the same shall be attended to and taken seriously.

Order Dasti to the State."

6. It is not appreciated that in spite of the afore-quoted order passed by the Delhi High Court, the Delhi police has not provided Snehlata and respondent No. 4, a safe passage to Chandigarh to defend the present petition and have rather exposed them to threat to their lives and liberty.

7. Nonetheless keeping in view the threat perception expressed by Snehlata

before me, I direct the Senior Superintendent of Police, Chandigarh, to ensure safe passage for Snehlata and respondent No. 4 from Chandigarh to Delhi where they would be handed over in the office of the Commissioner of Police, Delhi, who would act as per the afore-quoted order passed by the Delhi High Court.

8. A copy of this order be handed over to counsel for the parties under the signatures of the Bench Secretary.