
(2022) 11 P&H CK 0032

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 10555 Of 2022

Sudhir Kumar

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 09-11-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164

Citation : (2022) 11 P&H CK 0032

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : Gunjeet Brar, Armaan Gagneja, H.S. Sitta

Final Decision : Allowed

Judgement

Anoop Chitkara, J

The petitioner has come up before this Court under Article 226/227 of the Constitution of India, seeking release of the detainee (petitioner's wife) from clutches of respondents No.5 & 6.

Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

The allegations regarding illegal detention are stated in paragraph no. 2 of the petition and prima facie, point towards some restrain.

The Investigator/Inquiry Officer is directed to produce the detainee namely Aarti Rani before the concerned Judicial Magistrate. The concerned Judicial Magistrate shall interact with her and it is the concerned Magistrate's discretion whether to record her statement under Section 164 Cr.P.C or not and enquire whether she wants to reside with her parents (respondents No.5 & 6) or wants to go with her husband (present petitioner) and accordingly proceed further. State to expedite

the production of the girl.

State to place before the Magistrate any protection order that might have been passed and such Magistrate ensure that there is no violation of such order. Petitioner is directed to provide phone number of the detenue and also to attend phone call of the inquiry officer.

This petition is closed with the directions mentioned above, which are to be complied with on a priority. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It shall also be open for the petitioner to approach this Court again for any surviving or consequent grievances.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.