

**USHA DEVI AND ANOTHER VS STATE OF HARYANA AND
OTHERS**

Present: Mr. Nirmal Singh, Advocate
for the petitioner(s).

Mr. Pawan Kumar Jhanda, DAG, Haryana.

1. In the present habeas corpus on 28.04.2023 following order was passed:

“Present: Mr. Nirmal Singh, Advocate
for the petitioner(s).

1. *Petitioner No.1- Usha Devi, aged 39 years and petitioner No.2-Shiv Kumar, aged 41 years, have filed instant petition for issuance of writ in the nature of habeas corpus to search out alleged detenue - Aashu Devi (daughter of the petitioners), who is stated to be in illegal detention of Vikas Lathwal-respondent No.4.*

2. *Counsel for the petitioners submits that without disclosing correct facts, respondent No.4 managed in filing the protection petition with their (petitioners) daughter, i.e. CRWP-3822-2023, and said petition was disposed of after the same being withdrawn vide order dated 25.04.2023.*

3. *Counsel for the petitioners also submits that from the order dated 25.04.2023, petitioners learnt that in fact respondent No.4 was already married to somebody else. To show the doubtful conduct of respondent No.4 for misleading the High Court, counsel refers the signature of Aashu (petitioners' daughter) over the supporting affidavit dated 18.04.2023, attached with the protection petition i.e. CRWP-3822-2023 and thereafter to compare the same also refers to the signature purportedly put by Aashu Devi over the report dated 05.04.2023, which was part of the protection petition, which are apparently different to each other. Furthermore, entirely different kind of signature of Aashu Devi are there on the true vernacular of the marriage certificate, as pointed out by learned counsel for the petitioners, which is in Hindi. Thus, learned counsel submits that respondent No.4 is playing fraud and cheating with their daughter, who has been illegally detained, inasmuch as, he made an attempt to seek the protection order by way of protection petition but later on withdrew the petition, when the factum of earlier marriage of respondent No.4 came on record in preliminary inquiry conducted by police.*

4. *Counsel for the petitioners submits that once detenue is recovered, and the facts submitted and recorded here-above, before this Court are enquired, credentials of respondent No.4 would be known to everybody.*

5. *Notice of motion.*

6. *On asking of Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of respondents No.1 to 3(State).*

7. *Let requisite copies of complete paper-book be supplied to learned State counsel, during course of the day.*

8. *In the meantime, Registry is directed to appoint a Warrant Officer; on payment of usual charges, who will visit the place(s) of alleged detention of detenue and if found in illegal detention, then to get her released immediately after recording her statement.*

9. *The Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court.*

10. *It would be duty of the Warrant Officer that before recording of the statement of the alleged detainee (Aashu Devi), he would apprise the alleged detainee about the submissions addressed and recorded by this Court herein-above. He would also ensure that the statement given by the alleged detainee is free from any kind of influence or pressure from any quarter.*

11. *Awaiting report, adjourned to 22.05.2023."*

2. Today, learned State counsel seeks some time to file status report.

3. Adjourned to 26.07.2023.

(SANJAY VASHISTH)
JUDGE

May 30, 2023

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