

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP No. 676 of 2015 (O&M)

Date of Decision: 02.07.2015

Avtar Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Rajvinder Kaur, Advocate for the petitioner.

Mr. Mikhail Kad, A.A.G., Punjab.

Mr. M.S. Chahal, Advocate for private respondents.

TEJINDER SINGH DHINDSA.J

The instant petition was preferred under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus for release of alleged detainee namely Amandeep Kaur on the allegations that she is in the unlawful confinement of respondents no.4 and 5.

On 29.4.2015 while issuing notice of motion, the following order was passed by this Court:-

“Instant petition has been filed praying for issuance of a Writ of Habeas Corpus praying for release of the alleged detainee namely Amandeep Kaur, who is alleged to be in the unlawful confinement of respondents no.4 and 5.

Counsel would submit that the present petitioner had got married with Amandeep Kaur on 29.3.2015 but against the wishes of the elders and it is under such circumstances, the father and brother of Amandeep Kaur are detaining her against her wishes.

Notice of motion confined only to respondents no.1 to 3 only, at this stage.

On the asking of the Court, Mr. Nikhil K. Chopra, learned D.A.G., Punjab accepts notice on behalf of

respondents no.1 to 3. A complete copy of the writ paper book has been furnished to him.

List on 14.5.2015.

A report of the S.H.O., Sunam, District Sangrur i.e. respondent no.3 with regard to the assertions made in the present petition be filed on or before the adjourned date.”

In response to the notice of motion order even a report by way of affidavit of the S.H.O., Police Station, Dirba, District Sangrur has been duly filed and taken on record.

Perusal of the report would reveal that Amandeep Kaur daughter of Darshan Singh had furnished the affidavit dated 23.4.2015 stating that she had performed marriage with the present petitioner namely Avtar Singh and had even filed a protection petition, yet, to continue her study she does not wish to reside with her husband and rather wants to stay in her parental home.

In the affidavit Amandeep Kaur had deposed that she is living with her parents of her own free will and accord.

On 26.5.2015, this Court had directed the presence of the alleged detenu on the adjourned date.

Today, Amandeep Kaur is present in Court and is duly identified by her counsel as also by Avtar Singh, petitioner, who is also present.

On a specific query having been put to Amandeep Kaur, she has stated her age to be 19 years and submits in categorical terms that she is staying with her parents of her own free will and desire.

Under such circumstances, no further directions are required to be passed in the present petition and the same is accordingly disposed of as having been rendered infructuous.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.07.2015
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