

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CRWP No.826 of 2015
Date of Decision : 8.6.2015

Sukhdev KumarPetitioner

Vs.

State of Punjab and othersRespondents

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CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Mr. A.K. Khunger, Advocate for the petitioner.
Mr. Jaspreet Singh Sekhon, AAG, Punjab.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks a writ in the nature of Habeas Corpus for the release of alleged denenue Shilpa Rani, who is stated to be the daughter of the petitioner and was allegedly being kept in illegal confinement by private respondents no.4 to 7.

Notice of motion was issued.

Learned counsel for the State, on instructions from ASI Krishan Lal, Police Station Fazilka, submits that statement of the petitioner was recorded on 6.6.2015 i.e. after filing of the present petition to the effect that his daughter namely Shilpa Rani has gone with respondent no.4 namely Din Dyal S/o Ram Lal and that both of them have married with each other. He further submits that the factum of marriage between Shilpa Rani and Din Dyal has been further got

confirmed by the order dated 14.5.2015 passed by this court in CrI.Misc.No.M-15910 of 2015 (Shilpa Wadhera and another Vs. State of Punjab and others), whereby, daughter of the petitioner as well as respondent no.4 approached this court seeking protection to their life and liberty at the hands of private respondents. He further submits that in this view of the matter, no case of action survives and the present petition may be disposed of, as having been rendered infructuous.

Faced with the above, learned counsel for the petitioner submits that let the present petition be disposed of in view of the statement made by learned counsel for the State, but the Senior Superintendent of Police, Fazilka-respondent no.2 may be directed to ensure recording of the statement of daughter of the petitioner before the Illaqa Magistrate under Section 164 Cr.P.C., so as to ensure that she was not under pressure of the private respondents.

In view of the above respective stands taken by the parties, present petition is disposed of, with a direction to the Senior Superintendent of Police, Fazilka-respondent no.2 to keep on making efforts for tracing out Shilpa Rani, daughter of the petitioner and ensure recording her statement under Section 164 Cr.P.C., before the Illaqa Magistrate at an early date. It is further directed that if respondent no.2 comes to the conclusion after recording the statement of Shilpa Rani under Section 164 Cr.P.C., that some legal action is required to be taken, he shall be at liberty to proceed further, however, strictly, in accordance with law.

With the above said observations made and directions issued, present petition stands disposed of.

8.6.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE