

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Writ Petition No.1758 of 2015
Date of Decision:-05.01.2016**

Kamaljeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. F.S. Virk, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG Punjab.

Mr. D.S. Gurna, Advocate
for respondent No.5.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed by petitioner Kamaljeet Singh son of Sarabjeet Singh is for issuance of writ in the nature of habeas corpus for releasing Rupinder Kaur, the alleged detenue from the illegal custody of respondent No.5 Paramjit Singh. Respondent No.5 is father of alleged detenue Rupinder Kaur.

Pursuant to the order dated December 07, 2015, learned State counsel has filed the status report along with statement of Rupinder Kaur (Annexure R-1/T) wherein she has shown her inclination to stay with

her parents as she does not want to go with the petitioner.

On December 14, 2015, this Court has passed the following order :-

“Respondent No.5 puts in appearance through counsel. Let the detenue be produced on the next date of hearing.

Adjourned to 05.01.2016.”

Accordingly, Rupinder Kaur is present in Court. On the asking of the Court, Ms. Shaveta Sanghi, learned Assistant Advocate General, Haryana was directed to interact with the alleged detenue Rupinder Kaur. She has interacted with her in the chamber and has informed to this Court that she has made the statement to the police under pressure as she was in the custody of her parents, but now she has stated that she would like to give a chance to the petitioner and would like to go with him.

The petitioner along with the alleged detenue had approached this Court in CRM-M No.31934 of 2015 seeking protection to their life and liberty and vide order dated 18.9.2015, this Court has passed the following order :-

“Petitioners claim that they have attained majority and have married against the wishes of their family members. They seek protection of life and liberty.

Notice of motion for November 30, 2015.

Meanwhile, an interim direction is issued that none of the petitioners would be taken in custody by any of the respondents, forcibly on the allegation that petitioner No.1 has been abducted or raped by petitioner No.2.”

However, on December 09, 2015, the petition was rendered infructuous as the detenue Rupinder Kaur, who was named as petitioner No.1 in CRM-M-31934 of 2015 had disowns the averments made in the petition.

Be that as it may the present petition is for issuance of writ in the nature of habeas corpus and pursuant thereto the alleged detenue namely Rupinder Kaur is present in Court and she shown her inclination to go with the petitioner. To this effect, her statement has also been recorded separately.

In view of the above, without commenting on the validity of the marriage, respondent No.3-Senior Superintendent of Police, Police District Khanna, District Ludhiana is directed to protect the life and liberty of the alleged detenue Rupinder Kaur. The detenue Rupinder Kaur is at liberty to go with the petitioner for which the necessary protection, if required, shall be extended by respondent No.3. The detenue is free to move as per her wishes.

The petition is accordingly disposed of.

January 05, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE