

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

CRWP No.1595 of 2016.

Date of Decision: 19.12.2016.

Jaswinder Kaur

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. H.S. Saini, Advocate for the petitioner.

Mr. Ankur Jain, Assistant Advocate General, Punjab
for respondents No.1 to 3.

Mr. Rahul Prashar, Advocate for respondents No.4 to 8.

SNEH PRASHAR, J.

Power of Attorney alongwith reply on behalf of respondents No.4 to 8 has been filed by Mr. Rahul Prashar, Advocate, which is taken on record.

Report of the Warrant Officer in compliance of order of this Court dated 08.12.2016 has been received. It is mentioned in the report by the Warrant Officer that he alongwith the police party had reached the house pointed out by the petitioner, but the entry gate of the same was locked. They reached the courtyard by using the staircase of the adjoining house and found tha the entry door of the house was also locked. On checking the

backside room. When the backside window of the room was knocked, it was found that Parambir Singh, a minor child, was crying and Kulwinder Kaur was lying in a semi conscious state and was unable to express anything. The lady and child were served milk arranged by Ex.Sarpanch Baldev Singh. Kulwinder Kaur disclosed that the keys of the house were with her sister-in-law (Nanad).

The Warrant Officer has further stated that he obtained the mobile number of Kamaljit Kaur (respondent No.4) from the neighbours and contacted her as well as respondent No.5, but was told that they were out of station. A carpenter was then called and asked to open the locks. Detenues Kulwinder Kaur and Parambir Singh were got released from captivity. Kulwinder Kaur stated that she alongwith her son had been locked in the evening at 4:00 p.m. on 06.12.2016 and had been tortured to obtain her signatures on some blank papers by her sister-in-law, her husband Jaspal Singh, Bobby, Harpreet Singh, Jeeto and her sons.

Statement of Kulwinder Kaur was recorded by the Warrant Officer. She opted to stay in her own house and petitioner Jaswinder Kaur agreed to look after the detenues.

On the other hand, in their reply, respondents No.4 to 8 have stated that the house built on approximately 21 Marlas, situated within the *abadi* of village Shahpur, Sub Tehsil Mehatpur, Tehsil Nakodar, District Jalandhar is owned by Kamaljit Kaur (respondent No.4) and her sister Harpreet Kaur. They had inherited the house alongwith other property from their mother by virtue of a Will. They have also mentioned that Kulwinder Kaur, who was earlier married to Dilbagh Singh (brother of respondent No.4

Singh. She had forcibly entered the house by breaking open the locks on 02.12.2016. Learned counsel for the respondents contends that while in the petition it was mentioned that Kulwinder Kaur and her son had been locked in the house since 05.12.2016, an affidavit was executed and got attested by Kulwinder Kaur from an Oath Commissioner, Nakodar on 06.12.2016 which shows that the allegations of keeping Kulwinder Kaur and her son in captivity are false. Learned counsel also contends that the civil litigation with regard to the house is going on between Kulwinder Kaur and her sister-in-law etc.

There may be civil litigation going on between the parties but the Warrant Officer has given a detail of the action taken by him in compliance of order of this Court dated 08.12.2016. The detenues, who were found in captivity, have been got released by the Warrant Officer. The detenues are now with the petitioner. No further action is required to be taken by this Court in the instant petition and it is disposed of accordingly.

(SNEH PRASHAR)
JUDGE

19.12.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No