

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.104

CRWP No.317 of 2016

Date of decision : March 09, 2016

Gurdev Iqbal Singh

...Petitioner...

versus

State of Punjab and others

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Ms. Gurdev Iqbal Singh, petitioner in person
along with detinue Ms. Amarjit Kaur Pannu.

JASPAL SINGH, J.

Report of the Warrant Officer has been received, in which
the following observations has been made reads as under:-

“I received copy of order at 5.30 p.m. and as preferred by
the petitioner, I along with her immediately left for police
station Sarhali, District Tarn Taran and reached there at
10.25 p.m. The outer gate of the said police station was
open at that time. I rushed to the Reporting Room where
night MHC Amarbir Singh No. 1842/TT and Duty Officer
ASI Jaspal Singh were present. I disclosed my identity
and purpose of the visit to them and demanded the
roznamcha. The same was immediately handed over to
me wherein made the entry of arrival vide DDR No. 31

dated 02.03.2016. Thereafter, I asked the duty officer for police assistance to carry out the search of the alleged detainee.

A police party headed by the above said duty officer accompanied us and we left for village Naushehra Pannuan, police station Sarhali, District Tarn Taran and reached there at 11.25 p.m. The petitioner took us to the house where according to her the alleged detainee was kept illegally. The outer gate of the said house was locked from inside at that time. I saw through the gate and found that there were 17 people approx. consisting of men and women who were standing inside. I knocked the gate and asked them to open the same. Nobody opened the gate for about 30 minutes despite my repeated requests to them. Thereafter, I asked the police party to break the lock. The gate was pushed forcefully due to which the lock of the said gate was broken and it got opened and we entered inside. After seeing the police party the male members who were inside the said house ran away by jumping over the walls. The petitioner stated before me that the alleged detainee is detained in a room at first floor. I went to the stairs and found another gate on the stairs at the first floor, which was also locked from inside. However, the said gate was of the height of 5 feet and I saw from above the said gate and found 4 ladies standing behind

the gate. I knocked the gate, disclosed my identity and asked them to open the gate. They refused to open the gate despite my repeated requests. After about 15 minutes the gate was got opened with the help of the police party. I asked the petitioner to call the name of the detainee loudly. The alleged detainee responded to the same from one of the room which was closed from inside. The alleged detainee opened the door of the said room and came out. I inquired from her regarding her detention. She stated before me that she is residing in the said house for the last 12-13 years and now she is 80 years old and suffering from cancer. Her husband expired on 15.07.2015. Civil Litigation regarding the said property is pending before the District Court, Tarn Taran. On 1.3.2016 two of her grandsons namely Lovepreet Singh and Akashdeep Singh, respondent No.5 and 6 entered into her house by jumping over the walls. They snatched her mobile phone and forcefully detained her in the said room and was not being allowed to go anywhere. She also stated that her daughter in law, her grandson's wife and other about 13-14 un-identified persons entered in the said house and have arranged "Shri Akandh Path" in one of the rooms at first floor and also made a statement in this regard which is annexed as **Annexure 'A'**. In the meanwhile elder grandson of the detainee also came there who initially ran away after

seeing the police party. I enquired from the daughter in law of the detainee namely Baljinder Kaur regarding the detention. She stated before me that she had come to know from some reliable sources that the alleged detainee is trying to sell the said house which stands registered in the name of her family members. That is why she along with other family members came to the said house and arranged the “ Shri Akandh Path”. I asked her whether she has obtained any prior permission regarding entering in the said house and organizing the said holy path. She stated that she has not obtained any such permission from the Court.

Thereafter, I asked the detainee in the said situation where would she like to go? She stated that she will reside in the same house and will not go anywhere else. Thereafter the daughter in law of the detainee stated before me that the alleged detainee can reside in the said house freely and will not be troubled by them. I asked the duty officer ASI Jaspal Singh to look after the alleged detainee that she may not face any problem and also asked duty officer ASI Jaspal Singh to produce her before this Hon'ble Court on 09/03/2016.

From the facts as mentioned on pre-pages and above, it can be inferred that the alleged detainee namely Amarjit Kaur Pannu was found illegally detained in her house by her daughter in law namely Baljinder Kaur, Grandson

Lovepreet Singh and his wife namely Sukhbir Kaur,
Akashdeep Singh and 10-12 un-identified persons.”

The alleged detainee-Amarjit Kaur Pannu is also present
in the Court and she has not disputed the contents of the report
submitted by the Warrant Officer, who has been now freed from the
illegal detention and is taken care by the police.

In view of the facts contained above which are not
disputed by the alleged detainee-Amarjit Kaur Pannu, instant petition
has rendered infructuous.

Dismissed as having been rendered infructuous.

March 09, 2016

Ankur

**(JASPAL SINGH)
JUDGE**