

Criminal Writ Petition No. 65 of 2016

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

Sr. No. 234

**Criminal Writ Petition No. 65 of 2016
Date of decision: April 27, 2016**

Prem Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: None for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J

A complaint received in the office of Hon'ble Chief Justice's Secretariat, lodged by Prem Singh s/o Gurbachan Singh (now confined in Central Jail, Amritsar), was treated as criminal writ petition (habeas corpus).

Briefly stated the facts giving rise to the instant petition are that applicant-petitioner Prem Singh has been convicted in case bearing FIR No. 122, dated July 22, 2014, under Sections 363, 363-A, 365, 376 IPC and sentenced to undergo RI for 12 years. At present, he is serving out the sentence in Central Jail, Amritsar. It

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has been alleged by him that on June 20, 2014, he went to Gurdwara Baba Deep Singh at Amritsar and spotted his wife Gurjit Kaur, Shinda Singh and Balwinder Kaur there besides his daughter. He asked them to hand over his daughter but they refused and attacked him with sharp edged weapon. He further alleges that to save his life, he ran away from there. He further alleged that his wife has illicit relation with Shinda Singh and who has kidnapped his daughter-Komalpreet Kaur in conspiracy with his wife.

In compliance of order dated January 14, 2016, the learned State counsel has furnished the status report in the shape of affidavit of Devinder Singh Sandhu, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, which is taken on record.

It has been clearly depicted in the affidavit that the complaint filed by the petitioner has been thoroughly investigated and the allegations have been found to be false and baseless. In fact, Gurjit Kaur along with her daughter Komalpreet Kaur @ Jasmanpreet is residing happily in the house of Salwinder Singh @ Shinda Singh at Village Lakhna who is providing them food and shelter. Even during the inquiry, Gurjit Kaur daughter of Balwinder Kaur and Balwinder Kaur w/o Ajit Singh @ Jit Singh Mazhbi have also submitted their affidavits to the effect that they are living with Salwinder Singh at their own accord as they have no source of

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income to earn their livelihood. Salwinder Singh has also sworn similar affidavit who is a Nihang Singh and performing Seva at Gurdwara Baba Jivan Singh, Lakhna. In fact, he has provided the shelter to Balwinder Kaur and Gurjit Kaur.

Here it would be also pertinent to mention that Balwinder Kaur and Gurjit Kaur are present in person in the Court. They have categorically stated that they are living with Salwinder Singh happily at their own wish, will and volition.

Report submitted by the police as well as affidavits of Balwinder Kaur, Gurjit Kaur and Salwinder Singh, as well as the report/reply furnished in the Court today, this Court finds that the allegations levelled by the petitioner are absolutely false and baseless.

Accordingly, instant complaint/petition stands dismissed.

April 27, 2016

Ankur

**(JASPAL SINGH)
JUDGE**