

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRWP No. 107 of 2017

Date of Decision: 01.02.2017

Pritam Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. G.P.S. Bal, Advocate,
for the petitioner.

Mr. Vaibhav Sharma, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 30.01.2017, the girl who is stated to have been detained by respondents no. 4 to 6, is again present in Court, as are respondents no. 5 and 6, with respondent no. 4, i.e. the father of girl in question, stated to be a heart patient and not able to travel.

On query to the girl, i.e. Beant Kaur @ Gagan, who is admitted even by respondents no. 5 and 6 to be more than 24 years of age, she has categorically stated that she does not wish to go to her parental home and wishes to go with the petitioner who is the father of the person she is interested in getting married to in Australia.

On the aforesaid statement of a major girl, this court is bound to direct that it shall be ensured that she is not taken to any place against her will by any person, and respondents no. 2 and 3, i.e. the Senior Superintendent of Police, Moga and SHO. P.S. Ajitwal are directed to

ensure that no untoward incident happens.

Respondent no. 6, who states that she is a sister of Beant Kaur @ Gagan, has stated before this Court that the family of the person to whom Beant Kaur has been engaged, to get married in India, have funded or at least partly funded her education in Australia and as such, respondents no. 4 to 6 as also Beant Kaur herself, may be held liable by the said family for any breach of trust etc.

Having considered the aforesaid contention, no further comment is made in regard thereto by this Court, this only being a petition seeking a writ in the nature of habeas corpus for production of a person allegedly detained against her will. The said person, i.e. Beant Kaur @ Gagan having stated so and having expressed her desire to not go to her parental home but to the home of the petitioner, this petition is disposed of with the direction already given to respondents no. 2 and 3 hereinabove, to protect the life and liberty of the detainee, as also the petitioner.

However, it is further observed that nothing stated hereinabove will be construed to be a bar on any legal proceedings initiated by any party in respect of any grievance that they may have against the other, except for the fact that the aforesaid girl, Beant Kaur, shall not be detained against her wishes in her parents' house or any other place.

(AMOL RATTAN SINGH)
JUDGE

February 01, 2017
nitin

Whether speaking/reasoned

Yes

Whether Reportable

Yes