

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Writ Petition No.1320 of 2017
Date of Decision: 22.11.2017

Rajwinder Kaur

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. APS Jaurkian, AAG, Punjab.

Mr. Yashpal Thakur, Advocate
for respondents no.5 to 7.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of *Habeas Corpus* directing respondent no.2 to get the detenue namely Sukhjeet Kaur released from the illegal custody of the private respondents.

On notice of motion having been issued, Mr. Yashpal Thakur, Advocate has put in appearance on behalf of the respondents no.5 to 7 and has filed his power of attorney in Court which is taken on record. He has also filed reply on behalf of respondent no.5 which is also taken on record.

The alleged detenue Sukhjeet Kaur and respondent no.5 are present in Court.

Reply filed on behalf of respondent no.5 suggests that the alleged detinue Sukhjeet Kaur and respondent no.5 had approached this Court by way of joint petition i.e. CRM-M-36176-2017 *Sukhjeet Kaur & anr. Vs. State of Punjab and others* so as to seek protection of their life and liberties, as they have solemnized their marriage against the wishes of their parents.

This Court vide order dated 26.09.2017 had disposed of CRM-M-36176-2017 by passing the following order:-

The petitioners are seeking a direction to respondents No. 1 to 3 to protect their life and liberty as they apprehend danger from respondents No. 4 to 6.

It is stated in the petition that the date of birth of petitioner No. 1 is 18.11.1995 and that of petitioner No. 2 is 16.11.1992. Copy of Aadhaar Card of petitioner No.1 is annexed as Annexure P-1 and copy of Aadhaar Card of petitioner No.2 is annexed as Annexure P-2. They are stated to have solemnized their marriage on 24.09.2017 and the photographs in this regard are annexed as Annexure P-3. It is further stated in the petition that the petitioners had also made a representation dated 24.09.2017 (Annexure P-4) to the Senior Superintendent of Police, Fatehgarh Sahib but no action has so far been taken thereon.

Issue notice to respondents No. 1 to 3 only.

At the asking of the Court Ms. Seena Mand, learned Deputy Advocate General, Punjab, accepts notice on behalf of respondent Nos. 1 to 3.

*Without expressing any opinion on the validity of the marriage and keeping in view the mandate of the Hon'ble Supreme Court in the case of **Lata Singh Vs. State of U.P. and another, JT 2006(6) SC 173**, the present petition is disposed of with a direction to respondent No. 2-Senior*

Superintendent of Police, Fatehgarh Sahib to look into the matter and take appropriate action in accordance with law to ensure that no harm is caused to the life and liberty of the petitioners at the hands of the private respondents.

Having heard learned counsel for the parties and noticing the fact that the alleged detainee and respondent no.5 have got married and they have also sought protection from this Court, this Court finds that the prayer of the petitioners for release of detainee namely Sukhjeet Kaur from the custody of respondents including private respondent no.5 cannot be accepted.

In view of the order dated 26.09.2017, reproduced hereinabove, it cannot be said that Sukhjeet Kaur is in illegal custody of respondent no.5.

Accordingly, the present petition is dismissed.

November 22, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No