

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

**CRWP No.409 of 2017  
Date of Decision: 17.04.2017**

**Harpal Singh**

**..... Petitioner**

**Versus**

**State of Punjab and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Arjun Veer Sharma, Advocate  
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab  
for respondents No.1 to 3-State.

Mr. Gourave Bhayyia, Advocate and  
Mr. Amandeep Malhotra, Advocate  
for respondents No.4 to 6.

**DEEPAK SIBAL J. (ORAL)**

The present petition has been filed under Article 226 of the Constitution of India for the issuance of a writ in the nature of habeas corpus directing the State to produce the detenue-Harpreet Kaur, who is stated to be in the illegal custody of respondents No.4 to 6, who are her parents and brother.

On April 12, 2017, when the matter came up for hearing, this Court had passed the following order:-

*“This is a petition for habeas corpus seeking directions to respondents No.1 to 3 to produce Harpreet Kaur, wife of the petitioner, who is stated to have been forcibly taken away by respondents No.4 to 6. It is stated that the marriage of the petitioner was solemnized with Harpreet Kaur daughter of Satnam*

*Singh – respondent No.4 on 23.10.2016. Thereafter, they filed a petition seeking protection of lives and liberty before the Sessions Judge, Ludhiana, who vide order dated 24.10.2016 provided interim protection to them. As meanwhile, the matter had been compromised between the petitioners and the private respondents, ultimately, the petition for protection was not pursued and it was accordingly disposed of. It is alleged that on 15.2.2017, when the petitioner was not at home, respondents No.4 to 6 forcibly took away his wife Harpreet Kaur and when the petitioner tried to contact her, he was threatened by the said respondents that there is no relationship between them (petitioner and alleged detainee). It is further alleged that thereafter, the petitioner has been approaching the Police Authorities to get her wife released, but of no avail. Notice of motion for 17.4.2017.*

*Mr.Kirat Singh Sidhu, DAG, Punjab, who is present in Court, accepts notice on behalf of the State – respondents No.1 to 3. Respondents No.4 to 6 be served through the SHO, Police Station Salem Tabri, District Ludhiana for the date fixed. Meanwhile, it is directed that respondent No.2 shall locate the alleged detainee and produce her in the Court on the next date of hearing. A copy of this order be given Dasti to the Ld. State counsel for compliance.”*

In pursuance to the afore-quoted order, the State has produced Harpreet Kaur, the alleged detainee, who is identified by Mr. Amandeep Malhotra, Advocate appearing on behalf of respondents No.4 to 6. She has stated that she being 23 years of age is a major and that she out of her own will and consent is residing with respondents No.4 to 6. She further states that she does not wish to accompany the petitioner.

The statement of the detainee-Harpreet Kaur, as above, has been separately recorded, which is ordered to be taken on record.

Learned counsel for the petitioner does not dispute the fact that Harpreet Kaur is a major.

In view of the above, the alleged detainee-Harpreet Kaur having attained majority has not been forcibly taken by respondents No.4 to 6 as alleged in the present petition and is rather staying with them as per her own will.

In view of the above, no further orders need to be passed in the present petition.

Dismissed.

**(DEEPAK SIBAL)**  
**JUDGE**

**April 17, 2017**  
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No