

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRWP No. 87 of 2017

Date of Decision: 09.02.2017

Davinder Kumar

.....Petitioner

vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Petitioner in person.

Mr. D.S. Virk, A.A.G., Punjab.

Dr. Sukant Gupta, A.P.P. tor U.T., Chandigarh.

AMOL RATTAN SINGH, J. (ORAL)

This petition was received as a complaint in the Secretariat of hon'ble the Chief Justice on 17.01.2017, filed by one Davinder Kumar, and has been treated to be a 'habeas corpus petition', the allegations in it being that the daughter of the petitioner, namely Baptis, was missing since 03.01.2017 and that the petitioner suspected various persons named in the complaint to be involved in her having gone missing.

In response to the notice issued, an affidavit of the Deputy Superintendent of Police, Central Chandigarh, has been filed in Court today by Dr. Sukant Gupta, learned Additional Public Prosecution for U.T., Chandigarh. The same is taken on record.

Notice having been issued to the learned Additional Advocate General, Punjab also on 31.01.2017, both learned counsel have stated that the girl in question, i.e. Baptis, has been contacted in Rori Mohallan, Gurdaspur, where she is stated to be residing with a friend and his family,

i.e. one Sahil Sahota @ Rinki, who is also named as one of the 'culprits' in the complaint.

However, as per the affidavit filed in Court today by Dr. Sukant Gupta, learned Additional Public Prosecution for U.T., Chandigarh and as submitted by Mr. D.S. Virk, Addl. A.G., Punjab, the girl has been found to be living there with the aforesaid person and his family of her own free will.

The learned Additional Advocate General has also produced in Court today a statement (in Gurmukhi), sign by the aforesaid girl, as also by the petitioner, i.e. her father, Davinder Kumar.

The said statement also is to the aforesaid effect, that she is staying with her friend and his family in Gurdaspur, after having left home on 03.01.2017 of her own free will.

The petitioner, Mr. Davinder Kumar and his wife, Mrs. Renu, are both present in Court and have stated that the statement was made in the presence of Sh. Davinder Kumar by his daughter. On specific query, the father has also stated that the statement did not seem to have been made under any pressure on the girl. The parents of the girl also admit that she is about 24 years of age.

The mother of the girl, Ms. Renu, has further stated that the divorce petition filed by their daughter against her husband, one Parbath Sukhla, is pending in the concerned competent court.

Obviously, the present petition being one only seeking a writ of habeas corpus to produce the girl, and the girl herself having made a statement in the presence of her father that she is staying in Gurdaspur of her own free will, no comment is required to be made as regards the proceedings in the divorce petition.

Keeping in view the aforesaid circumstances, and the fact that a girl fully of the age of majority is saying at a place of her choice, of her own free will, no further action needs to be taken in this petition, which is consequently, dismissed as having been rendered infructuous.

(AMOL RATTAN SINGH)
JUDGE

February 09, 2017
nitin

Whether speaking/reasoned	Yes
Whether Reportable	No.