

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

CRWP-661-2018

Date of Decision:-08.01.2019

Balveer Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Brijesh Nandan, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. J.S. Mahal, Advocate
for the respondent.

GURVINDER SINGH GILL, J. (Oral)

1. Balveer Kaur, petitioner, aged 63 years approached this Court by way of filing petition seeking issuance of writ in the nature of Habeas Corpus seeking release of her daughter Karamjit Kaur allegedly detained illegally by respondents No.3 and 4.
2. This Court vide order dated 13.08.2018 had directed for appointment of a Warrant Officer so as to get alleged detainee released. The Warrant Officer vide his report dated 20.08.2018 reported that he had visited the

places nominated by the petitioner but the detinue was not found available at the given address.

3. It is the case of the petitioner that Karamjit Kaur is daughter of the petitioner who is being illegally detained by respondents No.3 and 4. Reply by way of affidavit of Sh. Sohan Singh, DSP, Sub-Division Patti, District Tarn Taran has been filed on behalf of respondents No.1 and 2 which is also accompanied by copies of statements of Karamjit Kaur and Ranjit Kaur. The translated gist of the statement of Karamjit Kaur reads as follows:-

“In the year 2016 I solemnized marriage with Avtar Singh son of Niranjana Singh, Caste Jatt, resident of Hakimpur (Banga) who was permanent resident of UK. After the marriage in the year 2010, I also went to UK. Two children were born out of the wedlock. My husband expired on 21.11.2017 in UK. I along with my children, namely, Gursharan Singh and Mannat Kaur returned back to India on 31.07.2018. I again solemnized marriage with Tarsem Singh son of Jarnail Singh, Caste Jatt, resident of Lalpur. Now I am living happily and have no threat from anybody. Nobody kidnapped me and I am not in illegal custody of anybody. My mother, namely, Balveer Kaur has filed writ petition before the Hon’ble Punjab & Haryana High Court in order to get me released from illegal custody, which is totally false and frivolous. I am living happily with my husband Tarsem Singh and I have no kind of threat.”

4. Ranjit Kaur-respondent No.4 in her statement Annexure R-2/T has stated that she was previously married to Tarsem Singh but on account of

temperamental differences they had got the marriage dissolved and that presently she is residing separately from Tarsem Singh.

5. The aforesaid facts indicate that Tarsem Singh who was previously married to Ranjit Kaur had divorced her and after divorce he had married Karamjit Kaur, daughter of the petitioner. In the reply filed on behalf of respondents No.1 and 2 it is specifically stated that in fact the alleged detenue Karamjit Kaur had also been contacted telephonically through a video call wherein Karamjit Kaur informed that she had performed marriage without of her sweet will and has not been illegally detained.
6. In view of the aforesaid position, I find hat the petitioner's daughter had married Tarsem Singh out of her free will and cannot be said to be illegally detained. Consequently no directions are required to be issued in the present petition. The petition as such is dismissed.

08.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No