

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-868-2019

Date of Decision: 17.12.2019

Labh Kaur

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vivek Singla, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Vijay Kumar, Advocate for respondent No.4.

...

Manoj Bajaj, J.

This criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus for releasing the daughter of the petitioner, namely, Sarabjit Kaur (detenue), who is allegedly in the illegal custody of respondent No.4-Swaraj Singh.

Learned counsel for the petitioner states that respondent No.4 was already married and without disclosing this fact, the daughter of the petitioner was induced by Swaraj Singh to marry him. It is prayed that the custody of her daughter Sarabjit Kaur be restored to the petitioner, who is illegally residing with respondent No.4.

On 01.10.2019, this Court had passed the following order:

“The instant petition has been moved by petitioner Labh Kaur for issuance of writ in the nature of Habeas Corpus to effect search of her daughter, namely, Sarabjit Kaur (detenue), who is stated to be more than 19 years of age and is stated to be illegally confined by respondent No.4- Swaraj Singh.

Notice of motion.

On asking of the Court, Mr. Sidakmeet Singh Sandhu, AAG, Punjab has accepted notice. Complete copy of paper book be supplied to learned State counsel during the course of the day.

Respondents No. 1 to 3 are required to make earnest efforts to locate the whereabouts of Sarabjit Kaur and in case she is found in illegal custody of respondent No.4, she be produced in Court and to this effect requisite report be also placed on record on the next date of hearing.

Adjourned to 16.10.2019.”

Pursuant to said order, a reply on behalf of respondent No.4 has been filed, wherein it is stated that the alleged detainee Sarabjit Kaur is not in illegal custody of respondent No.4. She herself solemnized marriage with him with her own sweet will and consent. Photographs of marriage and order dated 01.10.2019 passed by this Court granting protection to the detainee and respondent No.4 are annexed with the reply as Annexures R-1 and R-2.

Parties are also present in the Court, Sarabjit Kaur has stated that she is willingly residing with respondent No.4 and she was already aware of this fact that respondent No.4 is married.

Considering the above report, and stand of Sarabjit Kaur nothing survives for adjudication in the present case.

The petition is dismissed.

17.12.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No