258 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 1006 of 2019
Date of Decision:-05.11.2019

RAM SINGH

.....Petitioner

V/S

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. J.S.Dhaliwal, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondents No. 1 to 3.

Mr. Deepak Arora, Advocate
for respondents No. 4 and 5.

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ARUN KUMAR TYAGI,J. (ORAL)

The petitioner has filed the present petition for issuance of a writ in the nature of habeas corpus for immediate release of detenue-Opinder Kaur aged 19 years daughter of Sikander Singh resident of Village Balewal, Tehsil Batala, District Gurdaspur from the illegal confinement of respondents No.4 and 5.

Vide order dated 29.10.2019 while issuing notice of motion, respondent No.3-S.H.O., Police Station Jhunir, District Mansa was directed to produce the detenue in the Court.

In compliance with the order dated 29.10.2019 passed by this Court, detenue has been produced by ASI Baldev Singh of Police Station Jhunir, District Mansa.

Detenue Opinder Kaur has made a statement that she solemnized marriage with petitioner-Ram Singh on 03.09.2019 at Gurdwara Sahib Chardikala, Ward No.17, Near Chuglighar, Mansa, Punjab as per Sikh Rites and she has not been illegally detained by anyone. She wants to live with her parents. The detenue has also requested that her Matriculation Certificate, 10+2 Certificate, Aadhar Card and Passport are in custody of petitioner-Ram Singh and he may be directed to handover the same to her through ASI Baldev Singh.

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The petitioner has stated that he will filed appropriate matrimonial proceedings. The petitioner has admitted that Matriculation Certificate, 10+2 Certificate, Aadhar Card and Passport of Opinder Kaur are with him and he will handover the same to ASI Baldev Singh at Police Station Jhunir, District Mansa on 6.11.2019 at his residence.

Since the Opinder Kaur, who is major, has not been illegally detained by anyone and wants to live with her parents out of her own will, no case is made out for issuance of a writ in the nature of habeas corpus and Rule *Nisi* is discharged. However, the petitioner shall be at liberty to file appropriate matrimonial proceedings.

The petitioner is directed to handover the Matriculation Certificate, 10+2 Certificate, Aadhar Card and Passport of the detenue Opinder Kaur through ASI Baldev Singh on 06.11.2019 at his residence as per his undertaking. In case of his failure to do so appropriate case under the provisions of the Indian Penal Code, 1860 may be registered against him and recovery of the documents in question may be made in accordance with law.

The petition is disposed of accordingly.

(ARUN KUMAR TYAGI)
JUDGE

05.11.2019
Rajeev (rvs)

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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