

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

222

**CRWP-1103-2019
Date of decision: 04.12.2019**

Tarvinder Kaur

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Harparteek Singh Sandhu, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondents No.1 to 4.

Mr. Jitender Singh Dadwal, Advocate
for respondents No.5 to 8.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for directing respondents No.2 to 4 to produce in the Court detenue-Gursimran Singh, who was alleged to be in illegal detention of and being ill-treated by respondents No.5 to 7 at the instance of respondent No.8 and to constitute a medical board to examine his physical and mental condition and if need be to send him to a hospital for treatment till he is able to take decision regarding his life and liberty.

This Court vide order dated 19.11.2019, while issuing notice of motion, had directed respondent No.3-Senior Superintendent of Police, Moga to look into the matter personally and submit a report on the next date of hearing i.e. 22.11.2019.

On 22.11.2019, learned State counsel informed the Court

that custody of detainee-Gursimran Singh who was in the house of his in-laws had been handed over to the petitioner and learned State counsel sought time to file affidavit of Rattan Singh, PPS, Superintendent of Police (H), Moga as the same had not been vetted.

The petitioner made serious allegations against respondents No.5 to 8, which were denied by respondents No.5 to 8 who sought time to file reply.

Vide order dated 22.11.2019, the petitioner was also directed to ensure presence of the detainee today i.e. 04.12.2019.

In compliance of the order dated 22.11.2019, detainee-Gursimran Singh has been produced in the Court, who has made statement that he was living earlier with his wife at Moga. Thereafter, he was living in his in-laws house. He had not been illegally detained by any person. He wants to get himself medically treated for his ailments. During treatment he wants to live with his sister.

Reply by way of short affidavit of Mr. Amarjeet Singh Bajwa, PPS, Senior Superintendent of Police, Moga has also been filed. In his reply, Mr. Amarjeet Singh Bajwa has submitted that detainee-Gursimran Singh was initially taken to Civil Hospital, Moga and thereafter on reference by the doctors of Civil Hospital, Moga to PGI, Chandigarh where he is being treated and his custody was handed over to the petitioner.

In view of the statement of detainee-Gursimran Singh that he was not illegally detained by respondents No.5 to 8 and that he wants to live with his sister during treatment, no further action is required to be taken in this petition which is disposed of accordingly.

However, detenue-Gursimran Singh shall be at liberty to live with his sister or go to his matrimonial home to live with his wife. The petitioner shall be entitled to have access to the detenue during his stay in the matrimonial home while respondent No.8-wife of the detenue shall be entitled to have access to the detenue during his stay in the house of the petitioner for two hours on every Saturday from 10:00 AM to 12:00 Noon. The petitioner and respondent No.8 are directed to cooperate in this regard and extend usual courtesy to each other.

As agreed to by learned counsel for the petitioner and learned counsel for respondents No.5 to 8, Secretary Legal Services Authority, Mohali is also directed to visit detenue-Gursimran Singh periodically at such intervals of time considered appropriate to ensure that he is provided proper medical treatment by the petitioner or his wife at the place of his stay in consultation with the doctors of PGI Chandigarh and also to take appropriate action for redressal of his grievances by providing requisite legal aid, if so required.

04.12.2019

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**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No