

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

CRWP No.794-2018

Date of Decision:-05.04.2019

Gurbinder Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- None for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

This petition was filed by Gurbinder Kaur and Gurjant Singh for release of alleged detainee, who is their daughter (respondent No.3), allegedly detained at Gandhi Vanita Ashram (respondent No.2).

Learned State counsel has filed the reply by way of affidavit of Kuldeep Singh, PPS, Deputy Superintendent of Police, Sub Division Jaitu, District Faridkot, wherein it is mentioned that FIR No.128 dated 13.9.2018, stood registered under Sections 363 and 366-A IPC and Sections 8/9 of POCSO Act, registered at Police Station Jaitu, against Harman Singh @ Harmaljit Singh. The said FIR was investigated and the girl was recovered from accused Harman Singh @ Harmaljit Singh and after production before the Court she was sent to the Gandhi Vanita Ashram (respondent No.2). It

is further pointed out that the trial in the said FIR has already ended in acquittal of the accused as the alleged detenue as well as her mother Gurvinder Kaur had turned hostile. Copy of the judgment dated 03.1.2019 passed by the Sessions Judge, Faridkot is produced before the Court today and same is taken on record.

The facts and circumstances of the case would reveal that the custody of the alleged detenue was not illegal but was entrusted to respondent No.2 under the orders of the Court, who was seized of the trial in respect of offence against the said victim. Besides there is no representation on behalf of petitioners for the last three consecutive dates i.e. 11.12.2018, 14.12.2018 and 10.1.2019. Today also no one is present to represent the petitioners.

In view of the above, nothing survives for adjudication in this case.

The petition is dismissed as infructuous.

April 05, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No