

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

300

CRWP-1746-2020

Date of decision: 18.02.2020

Gurpreet Singh

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Madan Bhandari, Advocate
for the petitioner.

Mr. Arun Kaundal, D.A.G., Punjab
for respondents No. 1 to 3 assisted by
S.I. Gurtej Singh and A.S.I. Binder Pal Kaur
alongwith detenue-Kamaldeep Kaur

ARUN KUMAR TYAGI, J (ORAL)

The petitioner, claiming that he had solemnized marriage with detenue Kamaldeep Kaur on 28.08.2018 in accordance with sikh rites and ceremonies in Gurudwara Dashmesh Pita Patshai Dasvi (Regd.) Village Singa Devi (Karoran), Tehsil Kharar, District Mohali has filed the present petition under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for issuance of a writ in the nature of habeas corpus directing respondents No. 1 to 3 to get the detenue-Kamaldeep Kaur released from illegal custody of respondents No. 4 and 5 who are bent upon to forcibly marry her to respondent No. 6.

Vide order dated 16.02.2020, respondent No. 2 – Senior Superintendent of Police, Moga was directed to look into the matter personally, particularly as to whether respondents No. 4 and 5 are forcibly marrying detenue – Kamaldeep Kaur with respondent No. 6 and to take appropriate action as may be warranted by the facts and circumstances so ascertained. Respondent No. 2-Senior Superintendent of Police, Moga was also directed to cause appearance of detenue-Kamaldeep Kaur before this Court and to submit action taken report on

the date fixed i.e. 18.02.2020.

Respondent No. 2 – Senior Superintendent of Police, Moga has not submitted action taken report today. However, he has caused appearance of detainee-Kamaldeep Kaur before this Court.

Kamaldeep Kaur has stated that she is aged 24 years. She is a graduate. She had earlier performed marriage with petitioner-Gurpreet Singh but that was under pressure and was not performed voluntarily out of free will. She lived with petitioner-Gurpreet Singh for only one day. She has performed marriage with respondent No. 6 -Lakhwinder Singh @ Bagga out of her own free will. She wants to live with her husband Lakhwinder Singh @ Bagga and she does not want to go with the petitioner-Gurpreet Singh. She was not illegally detained by respondents No. 4 and 5. Statement of Kamaldeep Kaur has been separately recorded in this regard.

In view of her statement, the detainee-Kamaldeep Kaur being major and not being in illegal confinement is allowed to go as per her choice with her husband Lakhwinder Singh @ Bagga.

Since, detainee-Kamaldeep Kaur is not in illegal custody of anyone, no further action is required to be taken on the present Habeas Corpus petition which is disposed of accordingly.

However, the petitioner shall be at liberty to avail appropriate remedies for redressal of his grievances, if any, in accordance with law.

18.02.2020
kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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