

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

264

**CRWP-1805-2020
Date of Decision : 24.02.2020**

Darshan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

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

JUSTICE ARUN KUMAR TYAGI, J.

The petitioner has filed present petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondents No.1 to 3 to get the detenue-Teena wife of the petitioner released from illegal custody of respondents No.4 to 7 and produce her before this Court.

While issuing notice of motion vide order dated 24.02.2020 passed by this Court, respondent No.2-Senior Superintendent of Police, Ropar was directed to personally look into the matter, particularly as to whether respondents No.4 to 7 are forcibly marrying detenue-Teena and take appropriate action immediately as may be warranted by the facts and circumstances so ascertained and he was also directed to produce detenue-Teena before this Court on the next dated of hearing.

In compliance with above-said order, Action Taken Report dated 23.02.2020 by way of affidavit of Sh. Swapan Sharma, IPS, Senior Superintendent of Police, Rupnagar has been filed on behalf of respondents No.1 to 3 in the Court today which is taken on record.

Detenue-Teena has also been produced in the Court today by Constable Nirmal Kaur.

In the Action Taken Report, it is submitted that during inquiry it has been found that the petitioner was married to Teena about

nine years back and out of the wedlock one male child namely Mann was born, who is in the care and custody of the petitioner. Due to matrimonial discord between the petitioner and his wife-Teena, about five years back, Teena went to her parental house and did not return to her matrimonial house. Even petitioner also did not go to take her wife Teena back to his house. Thereafter, respondents No.4 to 7 after consulting their Panchayat got married Teena with Bikram son of Manohar Lal on 17.02.2020. During investigation, statement of Teena and petitioner-Darshan Singh were also recorded. In her statement, Teena had stated that after two years of her marriage with the petitioner, the petitioner had started committed cruelty upon her and about five years back she came to her parental house and did not return to her matrimonial house. On 17.02.2020 she performed marriage with Bikram son of Manohar Lal out of her free will and without any inducement, threat and coercion and she is residing happily with her husband Bikram. In his statement petitioner-Darshan Singh has submitted that he has compromised with the respondents No.4 to 7 and has received Rs.10,000/- in cash and a cheque No.390494 of Punjab and Sindh Bank amounting to Rs.65,000/- from respondents No.4 to 7 on account of his expenditure. Teena is residing happily at her house and he has no grudge about the same.

Detenue-Teena also made a statement before this Court that she had solemnized marriage with petitioner-Darshan Singh. One son was born out of the wedlock. She is living with her parents out of her free will and has not been illegally detained by respondents No.4 to 7. She does not want to live with the petitioner because she was suffering from orthopedic ailments and he did not get requisite treatment provided and did not give any maintenance.

In view of the above, no further action is required to be taken on the petition, which is disposed of accordingly.

24.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No