

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

**CRWP No.2313 of 2020
Date of Decision: 15.05.2020**

**Surinder SinghPetitioner
Vs**

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.K. Bansal, Advocate
for the petitioner.

Ms. Bhawna Gupta, DAG, Punjab.

(The case has been taken up for hearing through
video-conferencing.)

RAJ MOHAN SINGH, J.(Oral)

Prayer is for the release of detainee Aarti Thakur from
illegal detention of respondent No.6.

On 18.04.2020, following order was passed by the
Coordinate Bench:-

“The case has been taken up for hearing
through video conferencing.

It appears that on account of lockout due to
COVID-19, the alleged detainee Arti Thakur could not be
produced in the Court in terms of directions issued vide
last order. It seems that it is so on account of the
prevailing circumstances in the region, rather in the entire
country.

Learned State counsel submits that the petitioner is not related to the alleged detainee and lacks locus standi to file the present petition. Furthermore, Arti Thakur is not being illegally detained in Nari Niketan, Jalandhar and as per information gathered by the Investigating Officer Arti Thakur, a major had been sent to Nari Niketan by the Court as per her own wishes, though, now she wants to leave that institute. Under the present scenario when there is an increase in number of cases infected by deadly Corona Virus and as per Government Instructions, the people have been asked to remain at the places where they are and to avoid moving about, I find it proper and appropriate if she remains in Nari Niketan for the time being, though, suitable orders can be passed later on, in the light of facts and circumstances of the case and situation prevailing at that time.

In the meanwhile, learned State counsel may explore the possibility of knowing the wishes of the alleged detainee by this Court way of video conferencing.

Be listed on 15.05.2020.

Service of private respondents be procured in terms of the last order.”

Learned State counsel states that Aarti Thakur, the alleged detainee, is an accused along with one Pushpender Singh in an FIR under Section 380 IPC lodged by Sushma Devi, sister of Raman Singh respondent No.10, who is husband of Aarti Thakur. There is a matrimonial discord between Aarti

Thakur and Raman Singh for which a divorce petition is statedly pending in the Court at Ferozpur.

Learned State counsel has already received instructions from Surender Kumar, ASI, Police Station Sujanpur, District Pathankot that Aarti Thakur does not wish to remain in Nari Niketan any more. She has desired to go from Nari Niketan as per her own wish.

Mr. Munish Puri, Advocate on behalf of respondents No.10 to 13 has vehemently argued that respondent No.10 be given an opportunity to interact with Aarti Thakur so as to save his matrimonial house. The present petition is a habeas corpus petition and the scope of habeas corpus cannot be enlarged to meet any other contingencies for which parties would be having their legal remedies before the competent Court in accordance with law. Since, Aarti Thakur is major and she has shown her desire to leave Nari Niketan, Jalandhar, therefore, she would be well within her right to go as per her own wish.

This petition is disposed of accordingly. This order shall have no effect on the pending criminal case against alleged detainee. Let the detainee be set free forthwith.

May 15, 2020

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No