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215

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.14560 of 2020 (O&M)

Date of decision: 20.07.2020

Sandeep Singh @ Sabhi

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Choudhary, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of a direction to the official respondents to release the wife of the petitioner namely Simran Kaur, from the custody of respondent No.3.

On 24.06.2020, the following order was passed by this Court:-

“Prayer in this petition is for issuance of directions to the official respondents to release the detenue namely Simran Kaur, to whom the petitioner is claiming to have married.

Learned counsel for the petitioner submits that detenue Simran Kaur is presently in custody of Gandhi Vanita Ashram, Jalandhar and the petitioner, who was earlier involved in FIR No.237 dated 21.12.2019 under Sections 363, 366 IPC, registered at Police Station Chheharta, District Amritsar, has been granted the concession of regular bail on 26.02.2020 and the detenue wants to join him as his wife.

In view of the above, SHO of the concerned area,

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where Gandhi Vanita Ashram is situated, along with a Lady Constable will produce the detenue before the Chief Judicial Magistrate, Jalandhar within a period of one week from today and the Chief Judicial Magistrate, Jalandhar will record her statement to find out whether she wants to stay with petitioner Sandeep Singh @ Sabhi as his wife or wants to accompany her parents. The statement be produced before this Court on the next date of hearing.

List again on 20.07.2020.”

Counsel for the State through SHO, has placed on record a copy of the statement of Simran Kaur, recorded by the Chief Judicial Magistrate, Jalandhar on 30.06.2020. The statement of Simran Kaur, reads as under:-

“Stated that I am the legally wedded wife of Sandeep Singh @ Sabhi. We got married on 20th December, 2019 in Chandigarh and resided at there since 26th Feb. 2019. Now I am residing at Gandhi Vanita Ashram, Jalandhar as per orders of the Court at Amritsar. I do not want to accompany my parents as I want to stay with my husband Sandeep Singh @ Sabhi as his wife.”

According to the statement of Simran Kaur, she want to stay with the petitioner/her husband.

Counsel for the petitioner has submitted that when FIR No.237 was registered against the petitioner and he was arrested, the detenue Simran Kaur made a statement before the Judicial Magistrate at Amritsar that she do not want to accompany her parents and therefore, she was sent with respondent No.3.

Counsel for the State has not disputed the factual position.

Considering the fact that Simran Kaur/wife of the

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petitioner, is taking a consistent stand, at the time of filing of the protection petition i.e. CRWP No.2488 of 2019, which was disposed of vide order dated 20.12.2019, directing the police authorities to take appropriate decision on the representation, in which she alleged that she wanted to stay with her husband. Even in the subsequent statement made before the Magistrate at Amritsar, she has shown her unwillingness to accompany her parents as she wanted to stay with the petitioner, who was arrested in the aforesaid FIR and therefore, she was sent in custody of respondent No.3 – Ashram. Now, after a lapse of about 06 months, again she has recorded her statement that she do not want to accompany her parents and want to join the company of the petitioner.

In view of the above, this petition is disposed of. The respondent No.3 through its authorized person is directed to release Simran Kaur, to accompany the petitioner – Sandeep Singh @ Sabhi.

Needful be done forthwith.

(ARVIND SINGH SANGWAN)
JUDGE

20.07.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No