

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

Crl.W.P. No.3633 of 2020

Date of Decision: 11.06.2020

Harjinder Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ramandeep, Advocate,
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the production of his wife and child who, as per the petition, are stated to be in the illegal custody of respondent no.4.

Pursuant to the order passed by this court yesterday, the alleged detenues, i.e. Jaswinder Kaur and her 2½ years old son, Jashanpreet Singh, have been 'brought before this court' by the SHO, Police Station Pasiana, District Patiala, via video conferencing (as directed) and upon a query put to the SHO, he has stated that he has established the identity of the lady, which learned counsel for the petitioner also does not deny. However, though learned counsel for the petitioner had been requested to also produce the petitioner today via

video conferencing, for him to identify his wife and child, learned State counsel reports to this court that the petitioner refused to come before the court even by video conferencing, on the pretext that he had to attend court in some other matter.

Be that as it may, upon a query put to the aforesaid Jaswinder Kaur, she has very categorically stated twice that she is living with respondent no.4, Satnam Singh, of her own will, at Banur, and that she does not wish to return to the petitioner, even though he is her husband.

That being so, she obviously being a married lady above the age of majority and her son, being 2½ years being in her natural custody, I see no reason to entertain this petition, which otherwise should have been dismissed with costs due to the refusal of the petitioner to appear before this court, but accepting at face value the contention of the learned counsel for the petitioner that the petitioner is a poor man, it is simply dismissed without imposing any costs.

Naturally, all legal remedies, either for restitution of conjugal rights or for custody of the children of the petitioner and Jaswinder Kaur, (with the elder son stated to be with the petitioner), would be available to both the parties as per law.

The efforts made by the SHO Police Station Pasiona, as also the learned State counsel, at such short notice, are highly appreciated.

June 11, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes