

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

**CRWP No. 4483 of 2020
DATE OF DECISION : 16.09.2020**

Lovepreet Kaur

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Chouhan Satvinder Singh Sisodia , Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition under Article 226 of Constitution of India seeking issuance of a writ in the nature of habeas corpus, seeking release of detinue Shagandeep Singh @ Ronak, who is aged 08 years, from the custody of private respondents No.3 to 7.

2. Brief facts as stated in the petition are that the petitioner has two daughters from her first marriage. After taking divorce from her first husband in the year 2010, she performed second marriage with respondent No.6. Out of the said wedlock, one son namely Shagandeep Singh @ Ronak (detinue) was born on 28.02.2012. After their marriage, respondent No.6 got appointment in Punjab Police as Constable. In the month of January, 2020, respondent No.6 got his posting at CIA Staff, Jalandhar and since then he is living there. The petitioner along with her three children was living at Kharar in a rented accommodation. Respondent No.4, in connivance with respondents No.5 to 8, took minor son i.e. detinue illegally and forcibly. After waiting for two months,

the petitioner submitted representation to Director General of Police, Punjab on 10.02.2020 but till date no action has been taken thereon. Hence, the petition.

3. Learned State counsel has placed on the record the reply along with enquiry report submitted by Deputy Superintendent of Police, Headquarters, SAS Nagar, Mohali. The concluding para of the same reads as under :

“ From the enquiry conducted by me, perusal of the complaint and statements, it has transpired that the first marriage of the complainant Lovepreet Kaur was solemnized with Harnek Singh son of Pass Singh resident of Rampura Phul in the year 2002. Out of this wedlock, complainant had two daughters. That they were divorced in the year 2010. The complainant Lovepreet Kaur used to sing songs and Varinder Singh son of Baldev Singh resident of Kasail, District Tarn Taran use to write songs and was employed in Swaraj factory. Because of this, Lovepreet Kaur and Varinder Singh were having friendship with each other. They started staying together in a flat at Gharuan. Thereafter they got married to each other in June, 2011. After marriage, Varinder Singh got appointed as Constable in Punjab Police and both of them started staying in a rented accommodation at Kharar. Out of this wedlock, one son was born to them on 28.02.2002, whose name is Shagundeeep Singh. Thereafter they were having mutual disharmony amongst themselves. Then Varinder Singh took his son Shagandeeep Singh and went to his mother father. That Shagandeeep Singh is studying in third class at Amritsar. The allegations levelled by the complainant against the father of Varinder Singh namely Baldev Singh regarding changing her religion and demanding money and giving beatings, in this regard did not produce any evidence or witness.”

5. Learned State counsel argues that upon receipt of representation of the petitioner, due enquiry was conducted. Statements of both the parties

were recorded and it was found that the allegations levelled in the complaint were not sustained by any evidence and hence, the complaint was filed.

6. Having gone through the aforesaid findings given in the report conducted by DSP, Headquarters, SAS Nagar, Mohali, I am of the view that the present petition has been filed to seek certain collateral relief which is otherwise available to the petitioner by approaching the appropriate Court in accordance with law. The same cannot be granted in extra ordinary writ jurisdiction of this Court.

6. In the premise, without commenting on the merits of the case, the instant petition is dismissed. The petitioner is, however, at liberty to seek alternative appropriate remedy, as may be available to her, in accordance with law.

SEPTEMBER 16, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/.reasoned :

Yes/No

Whether reportable :

Yes/No