

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

240

CRWP-5710-2020

Date of decision: 11.11.2020

Jaswinder Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sunny Singla, Advocate
for the petitioner.

Mr. H.S. Multani, Asstt. A.G., Punjab
for the respondents No.1 to 4.

Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Gopal Singh Nahel, Advocate
for respondents No.5 to 8.

Mr. Shiv Kumar Sharma, Advocate
for respondents No.9 to 12.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Article 226 of the Constitution of India for the issuance of a writ in the nature of Habeas Corpus for release of detenue Nachhatar Singh brother of the petitioner from illegal custody of the private respondents.

Vide order dated 17.08.2020, Senior Superintendent of Sangrur was directed that Nachhatar Singh be taken by a Gazetted Officer to the Court of the learned CJM/Duty Magistrate, Sangrur, where the learned Magistrate was to determine as to whether Nachhatar Singh is living voluntarily wherever he is residing or he is doing so under pressure.

Accordingly, Nachhatar Singh was taken to the Court of learned Additional Chief Judicial Magistrate, Sangrur who has submitted report dated 27.08.2020 (Annexure R-1). In his report learned Additional Chief Judicial Magistrate, Sangrur has mentioned that Nachhatar Singh stated before him that he was living at village Hathan, Tehsil Malerkotla, District Sangrur with his elder son Balwinder Singh and younger son Jagtar Singh and he wanted to reside with them.

Vide order dated 14.10.2020, personal appearance of petitioner-Jaswinder Kaur and Nachhatar Singh before this Court through video conferencing was ordered. In compliance with order dated 14.10.2020, petitioner-Jaswinder Kaur and Nachhatar Singh are present before this Court through video conferencing.

On being asked by this Court Nachhatar Singh has stated that he is living with his elder son Balwinder Singh who has come from Canada and he is at present living in village Hathan, Tehsil Malerkotla, District Sangrur with his own free will and he has not been illegally detained and wants to continue to live with him.

Petitioner-Jaswinder Kaur has also interacted with her brother Nachhatar Singh. She has also questioned him as to whether he executed power of attorney in favour of his brother-in-law which was acknowledged by him to have been executed by him. In the course of hearing it has transpired that mobile phone of Nachhatar Singh had been lost and Nachhatar Singh is not having any mobile phone handset for his personal use.

Learned counsel for respondents No.9 to 12 has assured that mobile phone hand set would be provided to Nachhatar Singh for his personal use with sim card and the mobile phone number will also be conveyed to the petitioner Jaswinder Kaur through her counsel, who may have telephonic conversation with Nachhatar Singh as and when so desired subject to his convenience.

Learned counsel for respondents No.7 to 9 also assures that respondents No.9 to 12 will also allow Nachhatar Singh to meet petitioner-Jaswinder Kaur as and when desired by him.

In view of statement of Nachhatar Singh made before learned Additional chief Judicial Magistrate, Sangrur and also before this Court, he (Nachhatar Singh) cannot be said to have been illegally detained by respondents No.5 to 12. Therefore, no further proceedings are required to be taken on the present Habeas Corpus petition which has become infructuous.

Accordingly, present Habeas Corpus petition is disposed of as having become infructuous.

11.11.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No