

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

Sr. No.221

CRWP-6198-2020

Date of decision: 02.09.2020

Sukhmander Kaur and another

....Petitioners

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab
for respondents No.1 to 3.

Mr. P.S. Jammu, Advocate
for respondent No.5.

Ms. Hasan Kaur, Advocate
for respondents No.4, 6, and 7.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Article 226 of the Constitution of India for the issuance of a direction to the State to get released Swarnjeet Kaur (hereinafter referred to as the 'Detenue') from the alleged illegal custody of respondents No.4 to 7.

The petitioners, who are the parents of the Detenue, base the above prayer on the allegations that respondent No.4, who is already married to one Amandeep Kaur, enticed the Detenue to run away with him and that as on date respondent No.4 has kept the Detenue in his illegal custody at an unknown place.

On 19.08.2020 this Court appointed a Warrant Officer, who with the aid of the police, conducted a search at the given address of respondents No.4 to 7 and submitted his report, a copy of which was supplied to learned counsel for the parties.

A perusal of the Warrant Officer's report reveals that the Warrant Officer visited the given address of respondents No.4 to 7 and searched of the rooms but did not find the Detenue or respondent No.4- Boota Singh. Thereafter, a phone call was made by the Warrant Officer to the Detenue which she answered and stated that she did not even want to meet the petitioners and was residing with respondent No.4-Boota Singh at H.No.1412/2, Sector-65, Mohali as per her own will. When this fact was disclosed by the Warrant Officer to petitioner No.2 and his son namely Balkaran Singh, they stated that they did not want to ever meet the Detenue.

As per the Warrant Officer's report, to which no objections have been filed by the petitioners, the Detenue, who is admittedly a major, is living with respondent No.4-Boota Singh as per her own will. This fact was also acknowledged by the Detenue when she, after being identified by her counsel, appeared before this Court through video conferencing.

In view of the above, it cannot be said that the Detenue is in illegal custody of respondent No.4 and therefore, in the present case no further orders are required to be passed.

Dismissed.

(DEEPAK SIBAL)
JUDGE

September 02, 2020
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No