

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP No. 6488 of 2020 (O&M)

Date of decision : 27.8.2020

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Gurbachan Singh

.....Petitioner

vs.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. G.S. Saini, Advocate
for the petitioner.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

Petitioner – Gurbachan Singh s/o Bhagwan Singh, aged about 39 years, resident of villge Bhai Ka Kera (Mehmud Khera), Tehsil Malout, district Sri Muktsar Sahib, has filed the present criminal writ petition against respondents – State of Punjab; Senior Superintendent of Police, District Sri Muktsar Sahib; Station House Officer, Police Station , Lambi, District Sri Muktsar Sahib and Paramjeet Singh s/o Bhagat Ram, resident of village Bhai Ka Kera (Mehmud Khera), Tehsil Malout, District Sri Muktsar Sahib, craving for issuance of a writ in the nature of habeas corpus, directing respondent No.3 – Station House Officer, Police Station Lambi,

District Sri Muktsar Sahib, to get his minor daughter Chimna Kaur, released from illegal custody of Paramjeet Singh – respondent No.4.

Inter alia, in the petition, it is contended that minor daughter of the petitioner, having date of birth 27.5.2005, had been kidnapped by respondent No.4 – Paramjeet Singh, regarding which FIR No. 188, dated 13.7.2020, for offences under Sections 363, 366-A IPC, has been got recorded by the complainant with Police Station Lambi, District Sri Muktsar Sahib. However, it came to knowledge of the petitioner that respondent no.4 – Paramjeet Singh and Chimna Kaur, minor daughter of the complainant had filed a petition in this Court seeking protection, alleging that Chimna Kaur was a major and she had got married with Paramjeet Singh against wishes of her family members, which fact is contrary to the factual position, since Chimna Kaur happens to be a minor. The said petition bearing CRWP No. 4979 of 2020 was disposed of by this Court on 20.7.2020 and on account of order passed in the protection petition by this Court, the police is not taking any action and not recovering the minor daughter of the petitioner from custody of respondent no.4. Therefore, the petitioner has approached this Court by way of filing the present writ petition.

Notice of motion to respondents No. 1 to 3.

At this stage, Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab, has appeared on behalf of respondents-State and accepted notice . He states that as per his instructions, efforts are being made to recover the minor daughter of the petitioner.

Since, as submitted by learned State counsel, the Local Police is making efforts to recover the minor daughter of the petitioner, no necessity of appointing any Warrant Officer for effecting recovery of minor daughter of the petitioner is found to be there.

Therefore, the writ petition is disposed of with observations, clarifying that the order passed by this Court in CRWP 4979 of 2020, shall not come in the way of the Local Police in investigation of FIR No. 188, dated 13.7.2020, for offences under Sections 363, 366-A IPC, registered against respondent No.4 Paramjeet Singh with Police Station Lambi, District Sri Muktsar Sahib and taking necessary action in the matter including arrest of the accused and recovery of the minor daughter of the petitioner from his custody. The concluding lines of the order make the things clear, wherein it has been observed that the direction issued by the Court to the police authorities to look into the representation dated 14.7.2020, submitted by the petitioners and then to take necessary action in accordance with law, shall not validate the marriage, stated to have taken place between the parties and will not have any effect on any civil or criminal action, which could be initiated in the matter in accordance with law. The State counsel may inform the police authorities in that regard.

27.8.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No