

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

CRWP No.7712-2020

Date of Decision:-28.09.2020

Nasib Singh Khaira

...Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Amrinderjit Singh Sandhu, Advocate
for the petitioner.

Mr. C.S. Bakhshi, Addl. P.P.
for respondents No.1 to 6.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for producing Tejinder Partap Kaur w/o Gurpreet Singh.

The petition was filed by maternal grand father of the alleged detainee on the apprehension that the alleged detainee namely Tejinder Partap Kaur, who is living at Gurudwara Santsar Sewa Trust, Sector 38, Chandigarh and is married to respondent No.7. It is stated in the petition that the detainee conveyed to the petitioner that she wants to come out of Gurudwara but she has been confined against her wishes and in illegal manner.

Notice of motion was issued in this case on 24.9.2020 and the

Senior Superintendent of Police, Chandigarh was directed to look into the manner and to file the status report.

Today, learned counsel appearing for the UT Chandigarh has stated that the status report has been filed in whatsapp group since the proceedings are being taken up by way of video conferencing.

Let the status report be taken on record and the Registry is directed to tag the same at appropriate place of this case file.

Para 4 to 6 of the status report are reproduced as follows :-

“4. That the detenue Tejinder Partap Kaur has given her statement in her own handwriting, in which she stated that she got married with Sh. Gurpreet Singh about 12 years back and after marriage whenever she asked her husband to go to her parental house, he always refused her and harassed her on trivial matters. When she disclosed all this to her grandfather (Nana ji) Shri Nasib Singh Khaira, he filed the present petition in this Hon'ble Court mentioning that her husband has illegally confined her in Gurudwara Santsar Sahib, Chandigarh and that she should be freed immediately. But, now her husband had apologized for his mistakes, so she wanted to forgive him and wanted to live in the same house with her husband. In case she has any problem in future with her husband, she will complaint against him. However, as of today, she has no problem from her husband and she is living happily and peacefully with him. She has not been illegally detained and she was living in her own house with her own volition. A copy of this statement dated 25.9.2020 is attached herewith as Annexure R-4/1.

5. That the statement of the respondent No.8, the

husband of the detenue was also recorded. In his statement, he has mentioned that he had certain differences with his wife, however, he had resolved the same and in future he shall make sure that he will not have such problems in his matrimony. He has further stated that he will not put any restriction upon his wife. A copy of this statement dated 25.9.2020 is attached herewith as Annexure R-4/2.

6. *That a perusal of the statements of the alleged detenue and her husband reveal that in the past Tejinder Partap Kaur was having some issues with her husband and in-laws as they did not allow her to go to her parental house and they were also harassing her on trivial issues. However, as per the statement of Tejinder Partap Kaur, she now does not have any problem with her husband and she is living happily and peacefully with her husband. In these circumstances, it is clear that Tejinder Partap Kaur is not in the illegal custody of her husband or anyone else and is living there with her own free will and volition.”*

Learned counsel for the petitioner has submitted that he has gone through the affidavit, which has been filed by the SSP, Chandigarh and states that he is satisfied with the status report, which has been filed and therefore in view of the above, he does not wish to press this petition.

In view of the above, the present petition is dismissed.

September 28, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No