

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

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CRWP-9003- 2020

DATE OF DECISION: 30.10.2020

Paramjit Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sukhwinder Singh, Advocate for the petitioner.

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ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is a criminal writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus to search the detainee, namely, Rupri (minor daughter of Lt. Roshan Singh) at the premises of private respondent Nos.4 to 6.

Learned counsel for the petitioner has contended that the detainee is a minor and that she has been illegally detained by private respondent Nos.4 to 6. It is the further contention of learned counsel for the petitioner that the said detainee and Birender Singh, respondent No.4 herein, had approached this Court by way of CRWP-8126-2020 for protection of life and liberty. It had been stated in the said petition that the detainee herein and respondent No.4 were in a live-in relationship against the wishes of the petitioner herein and sought the protection of their life and liberty. The petition was disposed of vide order dated 08.10.2020 with a direction to respondent No.2 therein to decide the representation of the petitioners therein.

Learned counsel for the petitioner would further contend that the detainee is a minor and is unable to understand what is good for her and

what is not. He would further contend that she is being held in illegal detention by respondent Nos.4 to 6.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab, has put in appearance and accepts notice.

In view of the above noted facts especially in view of the fact that the alleged detainee and respondent No.4 herein had approached this Court by way of CRWP-8126-2020 seeking protection of their life and liberty at the hands of respondent No.4 therein (petitioner herein) stating that they were in live-in relationship against the wishes of the private respondents therein. It appears that the detainee has left the house of the petitioner on her own accord and is in a live-in relationship with respondent No.4 herein.

However, keeping in view the facts and circumstances as stated above, let the detainee, namely, Rupri be presented before the CJM/Duty Magistrate, Fatehgarh Sahib on 02.11.2020. The CJM/Duty Magistrate shall record the statement of Rupri in this respect. Only in the event she (Rupri) expresses her desire to accompany the petitioner, she shall be at liberty to accompany the petitioner and it shall be ensured that the private respondents do not create any hindrance or hurdles.

Petition stands disposed of accordingly.

(ALKA SARIN)
JUDGE

30.10.2020

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NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: YES/NO