

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

-.-

CRWP-10377-2020 (O&M)

Date of decision : 23.12.2020.

Shavinder Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Monika Thakur, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 14.12.2020, the following order was passed:-

“Heard through video conferencing.

The present criminal writ petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ in the nature of habeas corpus for the release of the alleged detainee Hitesh Thakur son of the petitioner who is stated to have been illegally detained by respondent Nos.4 and 5.

On 10.12.2020 notice was issued to the respondents. However, notices issued have not been received back served or otherwise.

Learned counsel for the petitioner would contend that the alleged detainee is 17 years of age and is in illegal custody of respondent Nos.4 and 5, respondent No.5 being mother of the alleged detainee.

In view of the fact that the alleged detainee is stated to be in illegal custody of the mother, let the Senior Superintendent of Police, Hoshiarpur get the statement of the alleged detainee recorded as to whether he is staying voluntarily with his mother or is being illegally detained.

List on 18.12.2020. Let the report be filed on or before the date fixed.”

Status report has been filed by way of affidavit of Jagdish Raj, PPS, Deputy Superintendent of Police, Sub Division Hoshiarpur, District Hoshiarpur wherein it has been stated that statement of the alleged detainee was recorded on 15.12.2020 and the son of the petitioner, namely, Hitesh (alleged detainee) stated that the relationship of his mother Reena Rani (respondent No.5) and his father Shavinder Singh (petitioner) is not cordial and infact divorce proceedings are pending. He has further given a statement to the effect that the conduct of the father with him was not good and due to the said reason he is residing with his mother since the last three months and further that he is residing with his mother on his own free will. He has further stated that nobody has illegally detained him and nobody has mis-behaved with him.

Keeping in mind the fact that the alleged detainee is a 17 years old boy and he has got his statement recorded that he is willingly, on his own violation, living with his mother, no further orders need to be passed in the present case.

Disposed off.

December 23, 2020
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No