

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

CRWP-13-2021

Date of decision : 05.01.2021.

GURMEET SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. V.G. Jauhar, Senior DAG, Punjab

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a criminal writ petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus to set free the alleged detainee namely Manjeet Kaur wife of the petitioner from illegal custody of respondent No.4.

Learned counsel for the petitioner would contend that on 01.01.2021 the wife of the petitioner i.e. the alleged detainee namely Manjeet Kaur was taken away by the private respondent No.4 and in this regard a representation dated 01.01.2021 was given to the Police which is annexed as Annexure P-1. However, no action has been taken by the Police.

Notice of motion.

On the asking of Court, Mr. V.G.Jauhar, Sr. DAG, Punjab has put in appearance on behalf of the respondent-State through video conferencing and accepts notice. On instructions from ASI Manjit Singh the learned State counsel has stated that the matter has been looked into by the police officials and as per the CCTV Footage, which has been seen by the concerned officer, the alleged detainee namely Manjeet Kaur is seen leaving the house on her own accord. He further points out to Annexure P-1 which is the representation given by the father of the petitioner wherein it has been stated that his daughter-in-law while going

from home has taken Rs.5,000/- cash, bank passbooks and other important documents along with her.

Faced with the same, learned counsel for the petitioner states that he does not wish to press the present petition on merits. However, he would be satisfied if, at this stage, a direction is given to the respondent No.3 to look into and decide his representation dated 01.01.2021 in accordance with law.

In the present case, a prayer has been made for issuance of a writ in the nature of habeas corpus. However, a perusal of the facts of the case reveals that the present case is not a case where a writ in the nature of habeas corpus needs to be issued inasmuch as the wife of the petitioner has seemingly left the home on her own accord. Even a perusal of Annexure P-1 states that the daughter-in-law i.e. the alleged detainee herein had left home and while leaving home has taken Rs.5,000/- cash, bank passbooks and other important documents along with her. Be that as it may, a representation dated 01.01.2021 has been given by the father of the petitioner. Let the same be looked into and decided by respondent No.3 in accordance with law.

The present petition is disposed off, accordingly.

January 05, 2021

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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO

(ALKA SARIN)
JUDGE