

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115)

CRWP no.551 of 2021

Date of Decision: 10.02.2021

Gurdas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Kapil Khanna, Advocate, for the petitioner.
Mr. B.S. Virk, DAG, Haryana

Amol Rattan Singh, J. (Oral)

Case heard by video conference.

By this petition, filed under the provisions of Article 226 of the Constitution of India read with Section 482 of the Cr.P.C., the petitioner seeks issuance of a writ in the nature of habeas corpus, by way of directions to respondents no.2 and 3 to produce the sister of the petitioner, namely Veerpal Kaur, who is stated to be in the illegal detention of respondent no.4.

On 03.02.2021, the following order had been passed:-

“Pursuant to the order dated 19.01.2021, an affidavit of the Deputy Superintendent of Police, Law & Order, Hansi, dated 28.01.2021, is on record, with the alleged detainee, i.e. Veerpal Kaur, and respondent no. 4, Vikash, stated to have been in fact tracked down by the District Police, Hansi, from near the Golden Temple, Amritsar, on 21.01.2021, with them having produced before the police a deed of a live-in relationship dated 14.01.2021; and thereafter with the alleged detainee, i.e. Veerpal Kaur, also having been produced before the learned Ilacqua Magistrate, Hansi, on the same date, she recorded a statement under the provisions of Section 164 of the Cr.P.C., to the effect that she had gone with respondent no. 4 of her own will and that he had not done any

wrongful act with her and further, that she did not want any action to be taken against anybody.

She is further stated to have submitted that she wanted to live with her parents instead of her husband/in-laws, with the statement of her father also having been recorded (by the police), stating that Veerpal Kaur was now safe with them in their village.

Consequently, it has been further stated in the affidavit, that in view of the above, no further action was required to be taken in the matter by the police.

Adjourned to 10.02.2021.

To be shown in the urgent motion list as none is appearing for the parties today, lawyers having again abstained from work.

Obviously, the petition has actually been rendered infructuous but is being adjourned simply to enable learned counsel for the parties to appear and make any submissions further, if they wish to.

It is to be however noticed that as per the report of the Registry, even process fee was not filed by the petitioner, which of course is something to be highly deprecated and therefore, even if the petition is to be dismissed, in the aforesaid circumstances it would need to be seen as to whether any costs should be imposed upon the petitioner or not.”

Today learned counsel for the petitioner has appeared and submitted that the petitioners’ sister is the mother of two children and therefore with her having abandoned the said children and she having been enticed away by respondent no.4, action needs to be taken against him.

Upon query to him as to whether she is of the age of majority, he submits that she is so.

Upon being asked to cite any law on the subject that if a married woman abandons her children (as alleged) and goes away with other person of her own choice, what action can be taken on such a petition filed by her brother, he has no answer.

Obviously, with the alleged detenue having stated before the learned Magistrate that she had gone of her own will with respondent no.4, and the he had done no wrongful act to her, there is nothing further that this court is required to do in this petition.

Consequently, this petition is dismissed.

Naturally, any grievance that the husband and children of the aforesaid Veerpal Kaur may have, against her, would be considered by the competent court, if any appropriate proceedings are initiated by them.

The efforts made by the District Police, Hansi, in tracking down the petitioners' sister and respondent no.4, are highly appreciated.

10.02.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No