

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

113

CRWP-818-2021

Date of decision: 09.02.2021

Balkar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepak Sethi, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for issuance of a writ in the nature of Habeas Corpus for directing respondents No.1 to 3 to produce the detenue- Rajinder Kaur, wife of the petitioner, after getting her released from illegal custody of respondents No.4 to 8.

As per office report respondent No.7 has been served personally while respondents No.4 to 6 have been served through respondent No.7. However, summons issued to respondent No.8 has not been received back served or otherwise.

Status report by way of affidavit of Sh. Ajaypal Singh, PPS, Deputy Superintendent of Police (Rural), Patiala on behalf of respondents No.1 to 3 has been filed in the Court today which is taken on record.

Vide order dated 28.01.2021, while issuing notice of

motion to the respondents, respondent No.2-Senior Superintendent of Police, Patiala was directed to ensure presence of the detenue before this Court through video conferencing.

In compliance with order dated 28.01.2021, respondent No.2 has produced detenue-Rajinder Kaur before this Court through ASI Surjan Singh, Police Station Sanaur, Patiala.

On being asked by this Court, Rajinder Kaur has stated that she is aged more than 18 years and is major. She had solemnized marriage with petitioner-Balkar Singh and she wants to go and live with him. She has further submitted that she had gone with respondents No.4 to 8 with her own free will as they promised to send her to her matrimonial home later. She was not illegally detained by respondents No.4 to 8 and she does not want any action to be taken against them.

Detenue-Rajinder Kaur, being major, is entitled to go with person and live at place of her choice. In view of her statement, detenue-Rajinder Kaur is allowed to go with her husband-petitioner-Balkar Singh.

No further proceedings are required to be taken on the present habeas corpus petition which is accordingly disposed of as having become infructuous.

09.02.2021

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**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No