

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

112

**CRWP-1837-2021
Date of decision : 24.02.2021**

Amritpal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. AG, Punjab
for respondents No.1 to 3.

Mr. N.K. Verma, Advocate
for respondents No.4 to 8.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for ensuring release of his wife-Amandeep Kaur from illegal custody of respondents No.4 to 8.

Briefly stated the petition has been filed on the averments that the date of birth of the petitioner is 03.03.1995 and the date of birth of detainee-Amandeep Kaur is 29.01.2001. The petitioner fell in love with detainee-Amandeep Kaur and solemnized marriage on 11.12.2020. Respondents No.4 to 8 forcibly took away detainee-Amandeep Kaur from the matrimonial home and have illegally detained her. The petitioner made representation dated 19.02.2021 to the official respondents but no action has been taken on the same.

Vide order dated 22.02.2021, this Court had, while issuing notice of motion, directed respondent No.2-Senior Superintendent of Police, Kapurthala to ensure presence of detainee-Amandeep Kaur before this Court through video conferencing.

On 23.02.2021 Detenue-Amandeep Kaur appeared before this Court through whatsapp call but on observing that detenue-Amandeep Kaur appeared to be frightened and under tremendous pressure, she was ordered to be kept in Gandhi Vanita Ashram, Jalandhar and ordered to be produced before this Court through whatsapp call today.

Mr. N.K. Verma, learned Counsel for respondents No.4 to 8 has filed his power of attorney in the Court today through special messenger which is taken on record.

Detenue-Amandeep Kaur has been produced before this Court today through whatsapp call. Detenue-Amandeep Kaur has stated that her date of birth is 29.01.2001 and she solemnized marriage with the petitioner. She wants to go and live with her husband (the petitioner).

The detenue-Amandeep Kaur was repeatedly questioned as to whether she had been illegally detained by respondents No.4 to 8 and as to whether she wants any action to be taken against respondents No.4 to 8 but she did not give any specific answer and remained silent.

The detenue-Amandeep Kaur, being major, is entitled to live with person and at the place of her choice. Therefore, detenue-Amandeep Kaur is entitled to go and live with her husband (the petitioner).

Learned Counsel for respondents No.4 to 8 has submitted that the petitioner is a habitual offender and is involved in three criminal cases. He has submitted particulars of two cases - FIR No.76 dated 25.06.2017 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 in Police Station Lohian, Jalandhar (Rural) and FIR No.165 dated 19.09.2020 registered under Sections 399 and 402 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 in Police Station Bhikhiwind, District Tarn Taran. Learned Counsel for respondents No.4 to 8 has submitted that either the custody of detenue-Amandeep Kaur be handed over to them or measures may be taken for ensuring welfare of the detenue-Amandeep Kaur.

Learned Counsel for the petitioner has submitted that the

petitioner is ready to deposit an amount of Rs.1,00,000/- in the name of detenue-Amandeep Kaur within one week.

In view of the above the detenue-Amandeep Kaur is allowed to go and live with her husband (the petitioner) who is allowed to take over her custody from Gandhi Vanita Ashram, Jalandhar on 25.02.2021.

The petitioner shall deposit an amount of Rs.1,00,000/- in the name of the detenue-Amandeep Kaur within one week as undertaken.

No further proceedings are required to be taken on the present petition which is disposed of accordingly.

24.02.2021

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

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