

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

CRWP No.1997 of 2021 (O&M)

Date of Decision.22.03.2021

Gurmej Ram

...Petitioner

Vs

State of Punjab and others

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. D.K. Bhatti, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Pranav Handa, Advocate
for respondents No.5 and 6.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed under Article 226 of the Constitution of India with the prayer for issuance of a writ in the nature of habeas corpus directing the official respondents to produce the daughter of the petitioner, Kulwinder Kaur, who is in the illegal custody of respondent No.5, as respondent No.6 had illegally sold his daughter to him.

Pursuant to the writ petition being filed, notice of motion was issued on 26.02.2021, on which date, counsel appearing on behalf of the respondent-State sought time to file reply. Consequently, the matter was adjourned and taken up for hearing on 09.03.2021, on which date, this Court had ordered for the alleged detainee to be produced before the Court through the medium of video conferencing from the office of the Law Officer appointed on the date. Today, this Court is sitting in physical hearing and therefore, the matter is being taken up on physical appearance

of the counsel concerned.

Learned counsel appearing on behalf of the petitioner would contend that custody of the daughter of the petitioner has been handed over to him on 20.03.2021 and that she is currently residing with him. The alleged detainee namely Kulwinder Kaur has also put in appearance in Court and stands identified by the Investigating Officer ASI Darshan Singh.

Learned counsel appearing on behalf of the respondent-State submits that the alleged detainee, who is aged 24 years, was produced before the Executive Magistrate, Phagwara on 20.03.2021, on which date, she suffered a statement to the effect that she was residing with her aunt (*chahchi*), respondent No.6, ever since her mother died. On 08.02.2020, her aunt got her to garland one person namely Ravi and she was informed that her marriage had been performed with the said person. There was no *anand karaj* ceremony performed between them. She has suffered a statement that behaviour of Ravi is not good and she does not want to live with Ravi and would like to live with her father.

The statement of the detainee along with translated copy is taken on record and marked as Annexure C1. Let a photocopy of the same be handed over to the counsel appearing for the State for their record.

At this stage, appearance has been caused on behalf of respondent No.5 and 6, alleged to be husband and *chachi* respectively of the alleged detainee.

However, keeping in mind the statement as recorded by the detainee before the Executive Magistrate that she would like to go to her father and the fact that her custody has already been handed over to the petitioner herein, no further orders are called for and the matter stands

disposed of. However, let the respondent-State provide protection of life and liberty to the petitioner and the alleged detainee in case the need so arises.

(JAISHREE THAKUR)
JUDGE

March 22, 2021
Pankaj*

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