

In the High Court of Punjab and Haryana at Chandigarh

**CRWP No. 2488 of 2021
Date of Decision: 06.9.2021**

Karamjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Prince Sharma, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for producing detinue, namely, Mannatdeep Kaur, daughter of Surjit Singh and the petitioner, from the alleged illegal custody of respondents No. 4 to 7 .

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran dated 19.4.2021, filed in the Registry, is taken on record.

As per the status report, the name of the husband of Gurshararn Kaur, has been wrongly mentioned in the petition as Talwinder Singh alias Tarwinder Singh-respondent No. 4, whereas her husband's name is Nalesh Trivedi. It has also been stated that on the representation dated 16.1.2020, moved by Surjit Singh, husband of the petitioner, before the Senior Superintendent of Police, Tarn Taran, the enquiry was conducted. After enquiry, the enquiry officer came to a conclusion that Surjit Singh was

having three daughters and on 13.11.2019, Mannatdeep Kaur, i.e. the alleged detainee was born. Surjit Singh and Talwinder Singh-respondent No. 4 were working together at Shirmonai Gurudwara Parbandhak Committee, Amritsar and Surjit Singh disclosed his desire to give the minor daughter in adoption. Talwinder Singh-respondent No. 4 further disclosed the same to Gurpreet Singh alias Prince-respondent No. 6, who further informed Gurcharan Kaur-respondent No.5 about this, who was issueless. Thereafter, on 17.11.2019, Gurcharan Kaur-respondent No. 5 adopted the minor daughter, namely Mannatdeep Kaur and the petitioner and her husband gave their minor daughter to Gurcharan Kaur-respondent No. 5 out of their sweet will and without any kind of pressure. In this regard a writing was also executed between the petitioner and respondent No. 5, in the presence of the family members and the relatives.

The husband of the petitioner again moved the representations dated 29.2.2020, 27.8.2020 and 8.9.2020 to the higher authorities and the enquiry was again conducted. Both the parties joined the enquiry proceedings and on 12.10.2020, the parties entered into a compromise to the effect that they will again come present to the office of Deputy Superintendent of Police, who was conducting the enquiry, on 26.10.2020 along with the minor. However, on 26.10.2020, Gurcharan Kaur-respondent No. 5 along with the alleged detainee came present at the office of the Deputy Superintendent of Police but the petitioner and her husband did not appear. In this regard, a number of phone calls were made to them but they did not bother to appear before the enquiry officer. Thereafter, Gurcharan Kaur-respondent No. 5 and her husband Nilesh Trivedi stayed in a hotel at Tarn Taran for two days along with the minor daughter i.e. the alleged

detenue. The enquiry was kept open but the petitioner and her husband did not appear before the enquiry officer and ultimately a conclusion was drawn that false allegations were levelled by the husband of the petitioner and the minor daughter has been given by the petitioner to Gurcharan Kaur-respondent No. 5 out of her own sweet will.

Keeping in view the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

September 06, 2021
Gurpreet

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