

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

CRWP-3221-2021(O&M)

Date of Decision: 29.04.2021

(Heard through V.C.)

Surinder Kaur and others

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gurpal Singh Sandhu, Advocate
for the petitioners.

Mr. Bhupinder Beniwal, A.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C. seeking the writ in the nature of Habeas Corpus for issuance of appropriate directions to respondent Nos.2 to 4 to release/produce the daughter in law of petitioners namely Sarbjit Kaur and Grandson namely Jobanpreet Singh from the illegal detention of respondent No.5 and to take legal action against respondent No.5.

The instant petition has been filed by the petitioners on the grievance that on the night of 22.10.2020 at about 7.00-8.00 pm Punjab Police employees came to their house and took away their son Gurmeet Singh by stating that there was a complaint against him. Eventually Gurmeet Singh came to be lodged at Police Station Khuian Sarwar,

Fazilka in FIR No.155 dated 23.10.2020 under Sections 16-C/22-B/29/61/85 of NDPS Act and thereafter, was sent to Central Jail, Faridkot. It is further stated that the petitioners along with the daughter-in-law and grandson went to meet the said Gurmeet Singh lodged at Central Jail, Faridkot where respondent No.5 Sh.Bohar Singh, Belt No.213 S/o Gurjant Singh resident of Quarter No.S-I-1, Police Line Faridkot was present. That night, respondent No.5 came to the house of the petitioners. Next day, it was found that the detainee daughter-in-law and grandson were not around and when an effort was made to contact them, it was found that their phones were switched off. On inquiry, the petitioners have come to know that the accused Bohar Singh-respondent No.5, has taken their daughter-in-law and their grandson and has implicated the son of the petitioners falsely. It is stated that the above said respondent No.5 is illegally detaining the daughter-in-law of the petitioners' along with their grandson. It is stated that ASI Bohar Singh is already married to Parminder Kaur and is having two children. As the detainees were being detained, a representation was also given to the authorities concerned who did not take any action thereon. Consequently, the petitioners were constrained to file the instant writ in the nature of habeas corpus.

Notice of motion has been issued in the matter while directing the S.S.P., Sri Muktsar Sahib to ensure the presence of the detainee in Court through the medium of video conferencing. Notice was also issued to respondent No.5 for 08.04.2021.

On 8.04.2021, the detainee was not produced as had been directed. Directions issued are reproduced as under:-

'Respondent No.3-Senior Superintendent of Police, Sri Muktsar Sahib is also directed to ensure presence of detenue-Sarbjit Kaur before this Court through video conferencing on the date fixed.

Notice to respondent No.5 be also issued on filing of requisite process fee and copy of the petition by learned counsel for the petitioner and the same be sent to Senior Superintendent of Police, Faridkot for getting the service of the same effected on respondent No.5 for that date.

To be shown in the urgent.

A copy of this order be supplied to learned State Counsel and be also sent to respondent No.3-Senior Superintendent of Police, Sri Muktsar Sahib and Senior Superintendent of Police, Faridkot for ensuring requisite compliance with this order.

Today, the matter is taken up again through the medium of video conferencing and the detenue Mrs. Sarbjit Kaur along with his son has put in appearance from the office of S.S.P., Sri Muktsar Sahib. The S.S.P. D.Sudarvizhi, is also present. The Court has asked the detenue as to whom she is residing with and the Court is informed that she and her son are residing with respondent No.5-Bohar Singh. On the asking of the detenue, she has informed that she was forcibly made to sit in the car along with ASI Bohar Singh on a threat being issued by him that he would harm the minor child. She categorically states that she would like to return to her matrimonial home and does not want to reside with Sh. Bohar Singh who has forcibly detained her.

It is interesting to note that despite notice having been served and effected upon respondent No.5-ASI Bohar Singh, he has

chosen not to put in appearance before this Court through the medium of video conferencing, which act does not bode well for him. Therefore, taking into account the allegations that have been set out in the criminal writ petition and the categoric statement this Court deems it appropriate to allow the same. The detenue-Sarbjit Kaur and her minor child are to be escorted forthwith to her matrimonial home by the S.S.P. D.Sudarvizhi.

However, before parting with this order, this Court deems it appropriate to direct the entire pleadings of this case along with the order so passed to be placed before the DGP, Punjab Police to look into the matter at his personal level or to refer the matter to an appropriate authority, not below the rank of an ADGP, for considering taking action against the said ASI Bohar Singh. The act of detaining Smt. Sarbjit Kaur and her minor son, by a person in uniform, is deprecable.

Petition stands disposed of.

For compliance report, list on 20.08.2021.

29.04.2021
ps-I

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No