

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4453-2021(O&M)

Date of decision: 12.05.2021

Rakesh Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Rishu Mahajan, Advocate for the petitioner

Mr. Randhir Singh Thind, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Through this petition, the petitioner prays for issuance of a writ in the nature of Habeas Corpus for production and release of the alleged detainee namely Ridhima Sharma @ Rajni Sharma, his married daughter. It is the case of the petitioner that he got married his daughter Ridhima Sharma @ Rajni Sharma on 24.11.2017 with Ravi Sharma and from the aforesaid wedlock a daughter namely Ridhi Sharma was born. Due to marital discord his daughter alongwith grand daughter started residing with him since August, 2020. It is further alleged that she has gone missing on 02.03.2021 while leaving behind her 1 ½ years old daughter in the custody of the petitioner. The petitioner claims that he has registered the FIR no. 55 dated 10.03.2021 at Police Station Gate Hakima against respondent no.5 but no action thereon has been taken.

Sh. Randhir Singh Thind, DAG, Punjab, has entered appearance pursuant to the supply of an advance copy of the writ petition and submits that respondent no.5 has joined the investigation

and suffered a statement that Smt. Ridhima Sharma @ Rajni Sharma, daughter of the petitioner is not residing with him and hence, respondent no.5 was granted bail.

Learned State counsel has further brought to the notice of the Court that Smt. Ridhima Sharma @ Rajni Sharma filed a criminal writ petition i.e CRWP-2379-2021, which was disposed of by this Court on 10.03.2021 with the following order:-

“Petitioner Ridhima Sharma @ Rajni Sharma, aged about 23 years, estranged wife of Ravi Sharma, daughter of Rakesh Kumar, resident of Fairland Colony, near Life Care Hospital, Rattan Singh Chowk, Amritsar, presently residing at Bhadarkali Colony, outside Gate Khazana, Amritsar has brought the instant petition under Article 226 of the Constitution of India against respondents i.e. State of Punjab through its Secretary, Commissioner of Police, Amritsar and Station House Officer, Police Station Gate Hakima, Amritsar as well as private respondents No.4 to 6 craving for issuance of appropriate direction to respondents No.2 and 3 to protect the life and liberty of the petitioner and also directing private respondents not to interfere in the personal life and liberty of the petitioner and also direct private respondents not to do any illegal act in that regard.

According to the petitioner, she had submitted a representation dated 22.2.2021 to respondent No.2 – Commissioner of Police, Amritsar, copy of which is Annexure P1, without evoking any response.

Notice of motion to respondent No.1 to 3.

Mr.J.S. Ghuman, DAG, Punjab accepts notice on behalf of respondents No.1 to 3.

Learned counsel for the petitioner submits that the petitioner would be satisfied if a direction is issued to respondent No.2 – Commissioner of Police, Amritsar to look into the representation Annexure P1 of the petitioner and then to take the necessary action in the matter.

Learned State counsel submits that the respondents No.1 to 3 would abide by any such order passed by this Court.

Accordingly, the present writ petition is disposed of directing the respondent No.2 – Commissioner of Police, Amritsar to look into the representation Annexure P1 and to take necessary action in the matter, in accordance with

law if it is so warranted by facts and circumstances of the case.”

It has further been brought to the notice of the court that Smt. Ridhima Sharma @ Rajni Sharma made the following statement before the Judicial Magistrate First Class, Amritsar, on 24.03.2021:-

“That the accused No.1 is my father, accused No.2 is my Husband, accused No.3 is my Father-in-law (Chacha Saura) and accused No.4 is my brother-in-law (Deaur). I had filed writ petition under Article 226 of the Constitution of India against the State of Punjab through its Secretary, Commissioner of Police, Amritsar, and Station House Officer, Police Station Gate Hakima, Amritsar and against the accused No.2 to 4 before the Punjab and Haryana High Court vide CRWP-2379-2021 and the same was decided on 10.03.2021 by the Hon’ble Mr. Justice H.S.Madaan, Judge Hon'ble Punjab and Haryana High Court as the accused No. 2 to 4 are harassing, humiliating and beating me on the demand of dowry and when I disclosed about to act and conduct of accused No.2 to 4 to my father i.e accused No.1, he openly declare that he has no space for me in his house and force me to reside in my matrimonial home in any condition. I had also filed a representation before the Commissioner of Police, Amritsar, before filing the above mentioned writ petition before Hon'ble High Court but no

action has been taken against accused persons by the police till date. On dated 20.03.2021 at about 8:00 P.M when I went to Mandir Mata Bhadar Kali to pay respect and at that time the accused persons attacked upon me and tried to kill me and the accused No.1 caught me on my hair and slapped me and the accused No.2 to 4 kicked in my abdomen when I fell down and the accused No.2 show his weapon and threatened me and other accused persons are fully support him. On listening my hue and cry, some people of locality gathered there and on seeing this the accused persons fled away alongwith their respective weapons from the spot while escaping from the place of occurrence the accused persons had further threatened me that this time I was lucky and saved by the local residence, but next time that will make sure that I will be done to death. After the occurrence, I immediately reached the P.S. Gate Hakima, Amritsar and narrated the whole incident before the police authority, but the respondents are very influential persons and they manage the police officials of P.S.Gate Hakima, Police of P.S.Gate Hakima, Amritsar. I running pillar to post and approached police officials of P.S.Gate Hakima, Amritsar to seek justice, but as the accused persons are influential persons, as such my every effort is went on vain. Suitable legal action may kindly be taken against the accused persons.”

Keeping in view the aforesaid submission, this Bench is of the considered view that no further order is required to be passed.

Disposed of.

12.05.2021
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No