

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.4516 of 2021
Date of decision:07.07.2021

Ramesh Kumar and another ... Petitioners

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manu K. Bhandari, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. R.S.Baweja, Advocate, for respondent No.2.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed by brother and wife of the alleged detainee, namely, Kailash Kumar, under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to secure the production/release of the detainee from illegal confinement of respondent No.2 ,who is his sister's son (*bhanja*).

In response to the notice issued by this Court, respondent No.1-State has filed the status report by way of affidavit of Deputy Superintendent of Police City-II, Patiala, wherein it has been deposed as under:-

“3. That as per enquiry report dated 22.05.2021 (Annexure R-1) conducted by the police of P.S.Tripuri, Patiala, it has been found that Kailash Kumar (as detenue mentioned in petition) son of Gurdial Singh, resident of H.No.24-E Balmiki Colony, Tripuri, Patiala is working as Sweeper in Municipal Corporation, Patiala. Kailash Kumar was married to the petitioner No.2-Raj Kumari @ Rajni resident of Dehradun in the year 1986, who are having two daughters, whose names are Meenu and Rainu. Both of them are married. The petitioner No.2-Raj Kumari @ Rajni wife of noted Kailash Kumar had gone to her parental house at Dehradun after leaving Kailash Kumar due to domestic reasons. Kailash Kumar is now residing with Bhanja Raj Kumar son of Babu Ram resident of H.No.24-E, Balmiki Colony, Tripuri, Patiala from the last about 20 years, who is not keeping good health and he is mentally upset. There is no one else to look after Kailash Kumar except his Bhanja Raj Kumar. Kailash Kumar has been living with his nephew Raj Kumar of his own free will. No fact has come to light to detain Kailash Kumar forcibly and illegally by his nephew Raj Kumar.”

In view of these circumstances, the alleged detenue cannot be said to be forcibly detained by respondent No.2.

No direction is required to be issued.

Petition is dismissed.

(SUVIR SEHGAL)
JUDGE

July 07, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>