

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

117

CRWP-7280-2021

Date of decision: 16.08.2021

JASHANPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G. Punjab
for respondents No.1 to 3.

Mr. Gursimran Singh Bahl, Advocate
for respondents No.4 to 9.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for release of his wife-Gurpreet Kaur from illegal custody of respondents No.4 to 9 by appointing a warrant officer.

The petitioner has alleged in the petition that the petitioner and detenue-Gurpreet Kaur solemnized marriage on 24.03.2021 against the wishes of private respondents and filed protection petition CRWP No.3265 of 2021 which was disposed of vide order dated 06.04.2021. On 29.07.2021 respondents 5, 6 and 9 took Gurpreet Kaur with them on the pretext that her first baby should be born in her parental house but the private respondents have illegally detained her and want to get the foetus aborted.

Vide order dated 04.08.2021, respondent No.2 was directed to take appropriate action and to ensure presence of Gurpreet Kaur before this Court.

In compliance with order dated 04.08.2021 Gurpreet Kaur has been produced before this Court through video conferencing by ASI Jatinder Singh.

On being asked Gurpreet Kaur has submitted that she is at present living with her parents out of her own free will. She was forced to solemnize marriage with the petitioner and she was also forced to make statement in the course of hearing of the protection petition filed by her along with the present petitioner on gun point. She has not been illegally detained by respondents No.4 to 9 or any other person. She does not want to go with the petitioner.

Even though detainee-Gurpreet Kaur had earlier filed protection petition and had made statement as to having voluntarily solemnized marriage with the present petitioner but detainee-Gurpreet Kaur has now claimed that the said marriage was performed and even the statement was made under coercion/threat.

Learned counsel for the petitioner has submitted that the detainee-Gurpreet Kaur voluntarily solemnized marriage with the petitioner and is now having pregnancy of the duration of two months and respondents No.4 to 9 want to get the foetus aborted and send her to Canada for performing her marriage with some other person.

Detainee-Gurpreet Kaur being major is entitled to live at any place with any person of her choice.

In view of statement of detainee-Gurpreet Kaur that she is

now residing with her parents out of her own free will and has not been illegally detained by anyone, no further action is required to be taken on the present Habeas Corpus petition.

Accordingly, the Habeas Corpus petition is disposed of as having become infructuous.

However, the petitioner shall be at liberty to avail appropriate remedies in accordance with law.

16.08.2021

vishal

(ARUN KUMAR TYAGI)
JUDGE

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