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

CRWP-7383-2021

Date of Decision: 06.08.2021

Ranjit Kaur and another

.. Petitioners

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Kumar, Advocate for the petitioners.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this criminal writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Habeas Corpus for release of detainee (Manpreet Kaur), who is in illegal custody of private respondent Nos.4 to 6 and further, for issuance of directions to the official respondents to register an FIR regarding illegal detention of the detainee.

Learned counsel for the petitioners has argued that the detainee, namely, Manpreet Kaur is daughter of the petitioners, who has been taken away by respondent No.4 (Bikramjeet Singh) and is presently residing with him. He contends that the other respondent Nos.5 to 16 are close relatives of Bikramjeet Singh and are supporting the illegal detention of Manpreet Kaur. According to him, Manpreet Kaur and Bikramjeet Singh are first cousins and being brother and sister would fall within the prohibited degree and therefore, the marriage claimed by them has no significance. He has drawn the attention of the Court to the order dated 27.04.2021 and submitted that the protection petition filed by their daughter along with

Bikramjeet Singh was dismissed with a costs of Rs.50,000/-. He has pointed out that a similar petition was also dismissed by the Court of Sessions as well, therefore, the petitioners being parents are entitled to the custody. He submits that a representation dated 20.07.2021 (Annexure P-11) has already been submitted by petitioner No.2 Avtar Singh to SSP, Ropar, District Rupnagar however, no action has been taken upon the same, therefore, necessary directions be issued for release of the detainee.

During the course of hearing, it is not disputed by the learned counsel that the daughter of the petitioners is major and has allegedly married to respondent No.4 and had filed the petition before this Court along with her affidavit and the said petition was contested by the present petitioners as well.

After hearing the learned counsel for the petitioners, this Court is of the opinion that merely because the protection petition filed by Manpreet Kaur and Bikramjeet Singh was dismissed, it will not be appropriate for this Court to hold that the daughter of the petitioners is in illegal detention, particularly when she has candidly taken a stand that her marriage with Bikramjeet Singh was with her own consent and free will. The dismissal of their criminal writ petition bearing CRWP 2987 of 2021 was on different grounds, therefore, no case is made out for exercise of extra ordinary writ jurisdiction.

Dismissed.

06.08.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE