

CRWP-7984-2021 (O&M)

THROUGH VIDEO CONFERENCE

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

**CRWP-7984-2021 (O&M).
Decided on: August 31, 2021.**

Gurpreet Singh

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mrs.Anupam Bhanot, Advocate,
 for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, for issuance of a writ in the nature of habeas corpus for release of detenue namely Simranjeet Kaur who is stated to be the wife of the petitioner.

On the basis of the submissions made by the learned Counsel for the petitioner, this Court had issued notice of motion to the State on 23.8.2021 and directed the SSP, Fazilka, to file status report and

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also to explain as to whether the earlier order of protection passed in the petition filed by the petitioner and his wife were complied with or not.

Today, the status report has been filed by SSP, Fazilka, on behalf of respondent Nos.1 to 3, by way of Email. Since the matter is being taken up through video conference, a print out of the same is taken on record.

Learned State counsel while referring to the status report filed by the SSP, Fazilka, has stated that in pursuance of the earlier order of protection passed by this Court on 7.6.2021 (Annexure P-2), the matter was duly got inquired into through the DSP, Sub Division, Jalalabad and during inquiry, the petitioner and the alleged detainee Simranjeet Kaur who is stated to be the wife of petitioner gave a joint statement that they were having no threat from anybody and were living happily and do not need any security and consequently, the representation was decided. The joint statement of the petitioner and Simranjeet Kaur was also recorded which has been attached with the present status report as Annexure R-1 and therefore, the order passed by this Court on 7.6.2021, have been duly complied with.

While referring to the further contents of the status report, learned State counsel has submitted that in the present case, after the issuance of notice by this Court, the SSP deputed a senior lady police officer who deals with crimes against women at Fazilka who called the aforesaid Simranjeet Kaur to her office and she was accompanied by her father Balwinder Singh and her aunt Karamjeet Kaur and she with her free will gave a statement that after marriage, her husband Gurpreet Singh, the

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present petitioner and her mother-in-law started giving beatings to her and subjected her to cruelty and did not even look after her when she fell sick and thereafter, being fed up with their cruelty, she came to house of her aunt Karamjeet Kaur and further stated that she has not been detained by anyone, rather she is happily living with her aunt Karamjeet Kaur and father Balwinder Singh and statement of Simranjeet Kaur was also recorded which is annexed as R-2. It is further stated in the affidavit that even two police personnel, one male and one female, have been provided to Simranjeet Kaur to ensure her safety.

When notice of motion was issued by this Court, this Court had also directed that the detainee be produced before this Court by way of video conferencing.

Today, the aforesaid alleged detainee namely Simranjeet Kaur has come present through video conferencing and along with her is also present Ms. Avneet Kaur, PPS, Superintendent of Police, Fazilka, who is in charge of crimes against women and is a senior police officer. This Court interacted with the girl namely Simranjeet Kaur who stated that earlier she got married with the petitioner but unfortunately the petitioner as well as his family members started treating her with cruelty by giving beatings and not giving her medicines and therefore, she of her own sweet will voluntarily came back to her aunt's house and is now living happily with her aunt and her father. She categorically submitted that she does not wish to go back to her husband. This Court also asked the Superintendent of Police, Fazilka, who is accompanying Simranjeet Kaur as to whether

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statement of the petitioner was recorded after ascertaining her voluntariness or not. The Superintendent of Police has also stated that aforesaid Simranjeet Kaur has given her statement and she has also satisfied herself that she was not under pressure or any undue influence or coercion. The Superintendent of Police has also brought to the notice of this Court that the petitioner has practiced fraud by making a forged certificate of aforesaid Simranjeet Kaur regarding her age. She has further submitted that the father of the petitioner has provided school certificate of Simranjeet Kaur in which her date of birth is stated to be 15.3.2004 and therefore, said Simranjeet Kaur is minor and has not even attained the permissible age of marriage.

Learned State counsel has stated that earlier when the protection petition was filed, the same was filed by attaching the aadhaar card of Simranjeet Kaur which is not a valid document and in fact, the girl is minor.

On hearing the learned counsel for the parties as well as Simranjeet Kaur and the Superintendent of Police, Fazilka, this Court is of the view that present petition cannot sustain. There is no ground to presume that aforesaid Simranjeet Kaur has not made her statement voluntarily. The earlier statement was given to the lady Superintendent of Police, who deals with the cases of crime against women and today detenue has given statement before this Court while interacting and therefore, mere bald allegations have been made by the petitioner. Furthermore, the aforesaid Simranjeet Kaur is stated to be minor as per her school certificate and therefore, the present petition for habeas corpus cannot sustain and the same

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cannot be held to be maintainable especially in view of the judgment passed by this Court in **Ranjeet Kaur Vs. State of Punjab and others, 2021 (3) RCR (Criminal) 35.**

Consequently, the present petition is hereby dismissed.

The police authorities shall be at liberty to proceed under the Prohibition of Child Marriage Act, or any other law for the time being in force strictly in accordance with law.

August 31, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No