

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

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**CRWP No.9064 of 2021
Date of decision:28.10.2021**

Sunita

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the respondents to get son of the petitioner, namely, Prince son of Mata Masih, released from the illegal custody of respondent No.5.

Vide order dated 20.09.2021, this Court has directed the appointment of a Warrant Officer to visit the place where detenue is alleged to have been illegally kept and get him released. A report has been submitted by the Warrant Officer to the effect that the detenue has not found at the house of respondent No.5.

In compliance of order passed by this Court on 27.09.2021, State counsel has filed short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Fatehgarh Churian, Police District, Batala, District Gurdaspur on behalf of respondents No.1 to 4, wherein, it has been submitted as under:-

“5. That, it is humbly submitted that Incharge Police Post Kala Afgana had got recorded the statement of Sunita petitioner, w/o Mata Masih resident of village Fatehwal. As per the statement of the petitioner Sunita her son Prince is aged about 17/18 years and doing the labour work. The grand daughter of her neighbor Salamat Masih namely Srishty D/o Michael resident of near Jawala Mata Mandir, Banikhet, District Chamba (HP) had a love affairs with her son and on 12.09.2021 her son told the petitioner that he is going to see the Mela at Kand Sahib Gurdawara Batala and did not returned (sic return) back. The petitioner had further stated that she had a suspicion that her son Prince is roaming with his friend Karam Singh S/o Jagir Singh resident of Khode Banger and due to this she had filed a writ petition in the Hon'ble Punjab and Haryana High Court Chandigarh against said Karam Singh. At present she came to know that there is no fault of Karam Singh and no one had kidnapped her son Prince nor any one had detained him. Her son and Srishti have filed a writ petition before the Hon'ble Punjab and Haryana High

Court at Chandigarh for threat perception from the family member of Srishti as the parents of Srishti had got registered a case FIR No.83 dated 15.09.2021 U/s 363 IPC against her son Prince at Police Station Dalhousie for kidnapping of Srishti. Due to the fear of arrest he had gone to undisclosed place. The girl Srishti has been taken back by her. At present her son Prince is often having a telephonic conversation with her. She does not want to take any action against anyone. The true translated copy of the statement is annexed as Annexure R-1/T.”

In view of the above affidavit, it cannot be said that detainee is in illegal confinement.

Petition is disposed of.

October 28, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No