

CRWP No.9675 of 2020

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

**CRWP No.9675 of 2020
Date of decision:04.03.2021**

Amarjit Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- None for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

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

Instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus seeking direction to respondents No.1 to 3 for the release of the detenue, namely Palwinder Kaur (daughter of the petitioner) from the illegal custody of respondents No.4 to 6.

An affidavit dated 18.02.2021 has been filed by the State in response to CRWP No.9758 of 2020 filed by the alleged detenue, Palwinder Kaur and her husband, Joban Singh, for issuance of direction to the official respondents to protect their life and liberty from the hands of their relations,

including the present petitioner, who is the father of the alleged detenue.

The relevant extract of the affidavit is as under:-

“5. That it is humbly submitted that during the course of investigation of the aforesaid case, the record regarding date of birth of the petitioner no.1, Palwinder Kaur was obtained from Khalsa College, Amritsar. According to which her date of birth is 28.02.1999. During investigation, sincere efforts were made by the Investigating Officer to trace out both the present petitioners. As a consequence thereof, on 16.01.2021, the petitioner no.1-Palwinder Kaur alongwith her mother-in-law Lakhwinder Kaur was found present at the house of the petitioner No.2. The statement of the petitioner No.1, Palwinder Kaur was recorded by ASI Navinder Kaur, PS Rajasansi, Amritsar Rural. The petitioner No.1, Palwinder Kaur stated that she is major and she has solemnized marriage with petitioner No.1 with her own free wish and will. They had filed the present petition for taking security, but now they do not need any kind of security and have no threat. It has also been stated by petitioner No.1, Palwinder Kaur that her husband Joban Singh (petitioner No.2) has gone out of house for driving. In addition to this, as per desire of the petitioner No.1, Palwinder Kaur, her statement under Section 164 Cr.P.C was also recorded before the Court of Ld. JMIC, Ajnala on 16.01.2021 wherein she stated that her family members wanted

to solemnize her marriage somewhere else against her consent. Therefore she made phone to Joban and he took her with him. He had not taken her forcibly. Her husband and her in-law may not be harassed. She being major has solemnized marriage with her own wish. The statement of petitioner No.1, which was recorded by ASI Navinder Kaur is annexed herewith as Annexure R-1/T for the kind perusal of this Hon'ble Court.

6. *That it is further submitted that the respondents No.4, 5 and 7 namely Amarjeet Singh, Raj Kaur and Ranjit Singh were also approached by the Investigating Officer, ASI Subash Chander, PS Rajasansi, Amritsar Rural and their respective statements have also been recorded, who stated that the petitioner No.1, Palwinder Kaur has solemnized love marriage with her cousin, Joban Singh (petitioner No.1) with her own wish. They have no objection to their marriage and the petitioner No.1, Palwinder Kaur can live anywhere. They have not extended any kind of threat to the petitioners and they have no relation with them. The statements of Amarjeet Singh (respondent No.4), Raj Kaur (respondent No.5) and Ranjit Singh (respondent No.7) and report submitted in this regard by SHO PS Rajasansi, Amritsar Rural are annexed herewith as Annexures R-2/T to R-5/T for the kind perusal of this Hon'ble Court.”*

In view of the above affidavit, nothing survives in the petition and the same is, accordingly, disposed of.

(SUVIR SEHGAL)
JUDGE

March 04, 2021
savita

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