

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-9709-2020

Date of Decision: 18.01.2021

Baljinder Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : None for the petitioner.

Mr. Harpreet Singh Multani, Assistant Advocate General, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India with the prayer for issuance of a writ in the nature of Habeas Corpus for production and release of alleged detainee-Nishu Devi, daughter of Pritpal, resident of Village Harigarh, Tehsil Sunam, District Sangrur (Punjab).

Notice of motion in this case was issued by this Court on 23.11.2020 and the State has filed its reply dated 27.11.2020. On 27.11.2020, when the reply was filed by the State of Punjab, no one had appeared on behalf of the petitioner and therefore, the matter was adjourned. On 10.12.2020, when again the matter was taken up by this Court, nobody appeared on behalf of the petitioner again and therefore, this Court had directed the Registry to inform the next date of hearing to the learned counsel for the petitioner.

Today, the Registry has put up a note by stating that the learned

counsel for the petitioner has been informed. Still nobody has caused appearance on behalf of the petitioner. Therefore, in these facts and circumstances, the present petition shall be taken up on its own merits in the absence of the learned counsel for the petitioner.

The present petition was filed for release of the alleged detainee on the ground that the petitioner is a friend of the alleged detainee and they want to marry each other but the parents of the alleged detainee are not agreeing with the same and they want to marry her off to some other person, to whom she does not want to get married. While issuing notice of motion, this Court had observed that since the girl/alleged detainee is living with her parents, the writ of Habeas Corpus would not be sustainable. However, it was directed that since the allegations have been made with regard to the fact that the girl is living in danger at the hands of the private respondents, Senior Superintendent of Police, Sangrur, was directed to assess the threat perception of the alleged detainee and in case, need arises to protect her life and to take all such measures in accordance with law and to file a status report in this regard.

Mr. Multani, learned State counsel while referring to the status report which has been filed by way of affidavit of Senior Superintendent of Police, Sangrur, has submitted that a lady Inspector was appointed in this regard, who had inquired the matter by visiting the house of the father of the alleged detainee, and met the alleged detainee, who apprised the aforesaid lady police officer that she had gone to the house of her uncle Roshan Lal with her own consent and nobody in her family has detained her illegally and there is no apprehension of any danger at the hands of any member of her family and that she will marry after attaining the age of majority

wherever she wants to marry. The girl was also produced before the Chairperson, Child Welfare Committee, Sangrur, wherein again, she reiterated that she desires to live with her parents according to her own will and wishes and she is not under any kind of pressure and further there is no apprehension of danger. Necessary counselling was also done with the family members of the alleged detainee and she was also informed about the help line numbers.

The learned State counsel has submitted that in view of the aforesaid affidavit filed by the State wherein, the alleged detainee has stated that she is living with her parents of her own will and there is no apprehension of any danger at the hands of the private respondents, the present petition is liable to be dismissed.

I have gone through the pleadings in the present case and I have also heard the learned State counsel.

A perusal of the affidavit filed by the State would show that there does not seem to be an apprehension regarding the danger to the life of the alleged detainee, as per the affidavit and therefore, no further proceedings are required to be called for in the present case.

Consequently, the present petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

18.01.2021
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No