

CRWP-10569-2020 (O&M)

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

**CRWP-10569-2020 (O&M).
Decided on: January 14, 2021.**

Resham Singh

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Jaspreet Singh Brar, Advocate,
for the petitioner.**

Mr.Luvinder Sofat, AAG, Punjab.

**Mr.Tarun Seth, Advocate,
for respondent No.4.**

**Mr.C.S.Bagri, Advocate,
for respondent Nos.10, 11, 12 and 13.**

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 directing respondent Nos.1 to 3, to produce the detainee namely Pardeep Kaur who is stated to be the wife of petitioner namely Resham Singh.

Notice of motion in the present case was issued on

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17.12.2020 and the State was directed to file status report. Pursuant thereof, status report by way of affidavit of Mr.Manmohan Singh Aulakh, Deputy Superintendent of Police, Nihal Singh Wala, District Moga, on behalf of respondent Nos.1 to 3, has been filed.

As per status report which has been filed by the State of Punjab, an inquiry was made in this regard and it was found that alleged detainee Pardeep Kaur is already married with Varinder Singh – respondent No.4 since 4.3.2007 and out of their wedlock two children were born and after that she came in contact with the petitioner. On 9.12.2020, she with her own consent had gone to her matrimonial house with her husband – respondent No.4 and was never kidnapped by anyone and wants to reside with her husband Varinder Singh. The statement of Pardeep Kaur has also been attached along with the affidavit as Annexure R-1. It is also stated in the status report that Pardeep Kaur was already married with Varinder Singh and their marriage is still in subsistence and she herself had left the house of the petitioner and went to her matrimonial home with her own consent.

Learned counsel for the petitioner has submitted that in view of the affidavit which has been filed by the State wherein alleged detainee has stated that she is living with respondent No.4 with her own free consent, the present petition does not survive and therefore, he does not wish to press the same and has prayed for withdrawal of the same.

Consequently, the present petition is dismissed as withdrawn.

However, at this stage, Mr.C.S.Bagri, learned counsel for

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respondent Nos.10, 11, 12 and 13 has submitted that the present petition is totally false and frivolous and that the representation sent by the petitioner to the SHO, Police Station Ajitwal, District Moga vide Annexure P-2 and representation sent by the petitioner to the Senior Superintendent of Police, Moga, vide Annexure P-3, the names of respondent Nos.10, 11, 12 and 13 were also mentioned against whom legal action was sought on the ground that they had forcibly kidnapped the alleged detenue Pardeep Kaur on 9.12.2020. He further submitted that the petitioner has abused the process of law by not only giving false information to the police but also by filing the present petition in which the criminal machinery has been set in motion. He further submitted that respondent No.12 is residing in Italy for about last 1½ years and respondent No.13 is posted in Army at Leh and therefore, the petitioner has given false information to the police. He submitted that action may be taken against the petitioner for abusing the process of law by providing false information to the police.

In case the respondent Nos.12 or 13 makes any appropriate application to the Senior Superintendent of Police, Moga, he may look into this aspect of the matter and thereafter shall proceed in accordance with law.

The petition stands disposed of accordingly.

January 14, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No