

Sr.No.109

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

CRWP-10998 of 2020

Date of decision:19.01.2021

Harjinder Kaur and others

... Petitioner(s)

versus

State of Punjab and others

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Arunjeet Singh Kakkar, Advocate
for the petitioners.

Mr. Luvinder Sofat, Asst.AG, Punjab.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Article 226 Constitution of India with a prayer to issue a writ in the nature of habeas corpus for directing respondents No.2 and 4 who are the Senior Superintendent of Police, Tarn Taran and SHO, Police Station Patti, District Tarn Taran to rescue Veerpal Kaur @ Mohna who is stated to be daughter of petitioners No.1 and 2 by raiding the houses of respondents No.5 to 8.

When the matter came up for hearing on 31.12.2020, learned State counsel had sought some time to seek instructions and had submitted that an inquiry revealed that the alleged detainee has run away voluntarily with respondent No.5-Gurpreet Singh.

However, learned counsel for the petitioners had disputed the same and had reiterated that the alleged detainee had been illegally detained by the private respondents. Therefore, this Court had directed the Senior

Superintendent of Police, Tarn Taran, to constitute a team of police officials headed by a woman police officer to search the alleged detainee at the place of the private respondents and those places as pointed out by the petitioners and produce the girl before the Magistrate for recording of her statement and also to keep the girl in safe custody, if so required and thereafter, to file a status report.

Learned counsel for the petitioners has submitted that petitioner No.1 and 2 are the parents of the girl and petitioner No.3 is the brother of the girl and she has been forcibly taken away by the private respondents.

However, on the other hand, learned State counsel has stated that Status Report has been filed by the Deputy Superintendent of Police, Sub Division, Patti, District Tarn Taran and as per the Status Report it has been stated that Special Team of four members under the personal supervision of Senior Superintendent of Police, Tarn Taran was constituted on 05.01.2021 and in order to search the detainee Veerpal Kaur @ Mohna raid was conducted on 06.01.2021 at the house of respondent No.8 by the Special Team where the alleged detainee was found present and thereafter, on the same day i.e. 06.01.2021 Veerpal Kaur @ Mohna was produced before the learned Court of Judicial Magistrate (Duty) Patti for recording her statement and learned Judicial Magistrate recorded her statement. He has further submitted that the detainee has specifically stated that she is major and she has voluntarily eloped with respondent No.5 with her own sweet will and consent and they have performed marriage with each other on 25.12.2020 and she is happy and wants to stay with him and she further stated that she does not want to go with her parents and now the aforesaid Veerpal Kaur @ Mohna is residing with respondent No.5.

I have heard the learned counsel for the parties.

The alleged detainee has been produced before the learned Judicial Magistrate in pursuance of the directions issued by this Court and she has stated that she is married with respondent No.5 and is happily living with him and she is major. Once the statement of aforesaid Veerpal Kaur @ Mohna had been recorded before the learned Judicial Magistrate in which she has stated that she is married with respondent No.5 and she wants to live with him only, no intervention can be made in a writ of habeas corpus which has been filed by the parents and brother of the alleged detainee.

In view of the above, present petition is devoid of any merits and therefore, the same is dismissed.

19th January, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No