

210.

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

CRWP-10922-2021

Date of Decision: 13.12.2021

LOVEPREET SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Sukhveer Kaur, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Amit Arora, Advocate,
with detenue.

Mr. Deepak Arora, Advocate,
for respondents No.4 to 6.

JAISHREE THAKUR.J

This is a criminal writ petition that has been filed under Article 226 of the Constitution of India for issuance of a writ, order, direction or roving writ especially in the nature of Habeas Corpus for the release of detenue Simranjit Kaur, wife of the petitioner herein, from the illegal custody of respondents No.4 to 6.

In brief, the facts are that the petitioner-Lovepreet Singh married with the alleged detenue i.e. Simranjit Kaur on 30.07.2021 according to the Sikh rites and rituals, against the wishes of private respondents. Both, the petitioner and the alleged detenue, filed a petition CRWP-5597-2020 seeking protection, which petition was allowed by an

order dated 06.08.2020 and protection was provided to them. In this petition, it is alleged that on 07.11.2021, the private respondents along with some unidentified persons entered the house of the petitioner and given severe beatings to him as well as his family members and kidnapped/abducted his wife. The petitioner tried to trace out her, but to no avail. He also reported the matter to the police, but no action was taken against the private respondents. The petitioner along with his family members visited the house of private respondents and requested them to hand over the custody of the detainee, but they extended threats to the petitioner and his family members not to visit their house, otherwise they will implicate the petitioner and his family members in some false and frivolous criminal case.

Notice of motion was issued on 18.11.2021 and there was a direction for the alleged detainee to be produced in Court.

Pursuant to the direction of this Court, Simranjit Kaur, the alleged detainee, is present in the Court in the presence of a lady Constable. She has filed a short reply by way of affidavit in Court today, which is taken on record, wherein it has been stated that after solemnizing marriage with the petitioner, she was subjected to ill-treatment and consequently, she left the matrimonial home and is residing with her parents. She has also preferred a petition under Section 13 of the Hindu Marriage Act for dissolution of said marriage, which is pending before the Family Court at Amritsar for 02.02.2022.

The statement of Simranjit Kaur, duly signed by her, was also recorded in writing in Court and marked as 'A', wherein she has stated that though she married with Lovepreet Singh, the petitioner herein, with her own accord, but on account of maltreatment by the petitioner and his family members, she voluntarily left the matrimonial home and gone back to reside with her parents. She has also initiated divorce proceeding which are pending before the Additional Principal Judge, Family Court, Amritsar. She has also stated that she was not detained illegally and is residing voluntarily with her parents.

Keeping in view the statement of the alleged detainee, aged 23 years, that she was not illegally detained by respondents No.4 to 6 and wants to reside with her parents of her own volition, this petition is dismissed and the alleged detainee is permitted to reside at the place of her choice i.e. with her parents.

(JAISHREE THAKUR)
JUDGE

13.12.2021

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No