

211.

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

CRWP-11080-2021

Date of Decision: 13.12.2021

KARAM SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parvesh Sachdeva, Advocate,
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Raman Goklaney, 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 in the nature of Habeas Corpus to get the detainee Sonika, stated to be the wife of the petitioner herein, released from the illegal custody of respondents No.4 to 6.

In brief, the facts are that the petitioner-Karam Singh married the alleged detainee i.e. Sonika on 22.09.2021 according to the Sikh rites and rituals of the Gurudwara Parmeswar Duar and pursuant to the said marriage, filed a petition seeking protection in the nature of mandamus in CRM-M-9926-2021, which petition was allowed by an order dated 14.10.2021 and protection was provided to the petitioners therein, namely, the petitioner-Karam Singh and the alleged detainee Sonika. In this petition, it is alleged

that the private respondents forcibly took the detenue i.e. the wife of the petitioner, to their house and refused to allow her to come back giving threats to the petitioner that in case he tried to take her forcibly, he would be killed. The petitioner made several attempts of approaching the police for getting his wife back from the clutches of the private respondents but to no avail which led to the filing of the instant petition.

Notice of motion was issued on 24.11.2021 and there was a direction for the alleged detenue to be produced in Court in the company of a lady Constable.

Status report has been filed by way of affidavit of Jora Singh, PPS, Deputy Superintendent of Police, Sub Division, Fazilka, on behalf of respondents No.1 to 3, wherein the statement of the alleged detenue has been recorded that she wants to reside with her brother.

Pursuant to the direction of this Court, Sonika is present in the Court in the presence of a lady Constable. On the asking of the Court, she submits that she would like to reside with her husband Karam Singh, the petitioner herein. The statement given is at variance with the statement given to the police wherein she had categorically stated that she wanted to reside with her brother. She was further asked as to where she would like to reside, she has given a statement and recorded the same in writing that she would like to reside with her husband. Her statement, duly signed by her, is taken on record as Mark 'A'. The brother and his wife are present in the Court and they submit that they would have no objection in case she wants to reside with her husband as they only want her welfare.

Keeping in view the fact that the statement has been recorded that the alleged detainee, aged 26 years, wants to reside with her husband, this petition is disposed of and the alleged detainee is allowed to leave in the company of her husband.

(JAISHREE THAKUR)
JUDGE

13.12.2021
sanjeev

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