

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

CRWP-11-2022

Date of decision : 07.01.2022

Gurpreet Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Krishan Daaria, Advocate
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. D.S. Virk, Advocate
for respondents No.4 and 5.

(Through Video Conferencing)

Petitioner approached this Court by way of present writ petition seeking release of his wife Amandeep Kaur, aged about 37 years alleged to be in illegal custody of respondents No.4 and 5.

Petitioner asserted in the petition that his wife was missing since 1st week of March, 2020 when she left matrimonial house on the pretext of meeting her parents with the consent of the petitioner. However, thereafter Nation was put under lockdown due to Covid-19 and since then she has been illegally detained by respondents No.4 and 5.

On 04.01.2022, the following order was passed:-

“Notice of motion for 07.01.2022.

On the asking of the Court, Mr. Ayush Sarna, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Respondent No.2 is directed to file status report positively by the next date of hearing.”

Today, in compliance of the order dated 04.01.2022, status report has been filed by way of affidavit of Shri Navjot Singh Mahal, PPS, Senior Superintendent of Police, District SAS Nagar. In the said report, it has been stated that:-

“3. That it is respectfully submitted that pursuant to the order passed by this Hon'ble Court, the answering respondent called the case file and perused the same which revealed that the petitioner is aggrieved of the fact that his wife Amandeep Kaur (alleged detenue) went to her parents (respondent nos, 4 & 5) with his consent in March, 2020, however, has not returned to him since then and he is apprehending threat to her life and liberty at the hands of her parents, who have confined her illegally. Thereafter, the answering respondent directed the Deputy Superintendent of Police City-2, S.A.S Nagar to examine the matter in light of the allegations leveled by the petitioner, who further got that inquired from SHO, Police Station Sohana and thereafter submitted his report dated 05.01.2022. True translated copy of the report dated 05.01.2022 is being annexed herewith as Annexure R-1/T for the kind consideration of this Hon'ble Court.

4. That it is respectfully submitted that the perusal of the report/related record revealed that during inquiry ASI Kewal Singh No. 584/SAS Nagar visited the house of respondent nos. 4 & 5 and recorded the statement of Amandeep Kaur (alleged detenue), who stated that she alongwith her son Agamayaaz Singh aged about 3 years had left the company of the petitioner for the beatings given to her by him under the influence of liquor and harassment met to her on account of demand of dowry. She alongwith

her son is living at the place of her parents out of her free will and is presently employed as Branch Manager with Kotak Mahindra Bank, Sohana. Apart from that, the statements of Tejinder Singh and Kuldeep Kaur (wrongly stated as Mandeep Kaur in the petition) were also recorded who also reiterated the version of Amandeep Kaur. True translated copy of statement of Amandeep Kaur is annexed herewith as Annexure R-2/1 for kind consideration of this Hon'ble Court.

5. That it is respectfully submitted that in view of the facts and circumstances narrated above, it is evident that Amandeep Kaur along with her son is residing with her parents out of her free will and she is not under threat from them or is confined illegally there. The allegations leveled by the petitioner are not substantiated.”

Mr. D.S. Virk, Advocate appears for respondents No.4 and 5 as well as detinue and has reiterated the facts narrated in the said report.

Faced with the situation, learned counsel for the petitioner states that he shall avail appropriate remedy under law.

Keeping in view of the aforesaid facts, the present writ petition is disposed off with liberty to the petitioner to avail appropriate remedy under law.

(PANKAJ JAIN)
JUDGE

07.01.2022
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No