

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

CRWP-1133-2020

Date of decision : 16.08.2022

AMRIT LAL AGGARWAL

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Chandail, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Ms. Kamlesh, Advocate for respondent No.7.

Mr. Dhruv Walia, Advocate for Legal Aid Counsel.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Article 226 of the Constitution of India is for issuance of directions to the official respondents to bring out Jyoti from Sector 32, Government Medical College Asylum and to protect her life and liberty, which is in danger at the hands of respondent No.7 (her husband), who in connivance with the official respondents without the orders of the Deputy Commissioner, had forcibly confined her at Sector 32, Government Medical College Asylum, Chandigarh/Sector 48 (Level 3), GMCH, South Campus Chandigarh.

The learned counsel for the petitioner has referred to page 09 of the petition, wherein three specific prayers have been made, the same are reproduced hereinbelow:-

“i. For issuance of direction to official respondents to bring out Jyoti from Sector 32, Government Medical College Asylum, and protect the life and liberty of the daughter of the petitioner namely, Jyoti from the hands of the private respondent No.7 who in connivance with the officials respondents nefariously and forcibly WITHOUT THE ORDER OF THE DEPUTY COMMISSIONER AS PER MENTAL HEALTH ACT, shut/illegally/ confined his TOTALLY SANE WIFE JYOTI IN MENTAL ASYLUM, SECTOR 32/48 CHANDIGARH WITH THE HELP OF OFFICIAL RESPONDENTS, WRONGLY AND ILLEGALLY AGAINST THE PROVISIONS OF CONSTITUTIONAL LAW OF LIFE AND LIBERTY.

i.(a) It is further prayed that direction may be issued to appoint a Warrant Officer to effect the release of the detenue from the illegal custody; further directing the official respondents to get release the detenue from the illegal detention and the detenue be produced in the Court so that the reality may come out.

ii. With a further prayer for taking appropriate legal action against the respondent No.7 and other erring officials.

iii. Any other order or direction whichever this Hon'ble Court deems fit in view of the present facts and circumstances may also be issued.”

The respondent-State has informed this Court that Jyoti has since been released from Sector 32, Government Medical College Asylum and presently is in the custody of her father at Kaithal from the last 05 months as per the status report dated 05.08.2022 filed by

Assistant Commissioner of Police, Panchukula on behalf of respondent
Nos.1 to 4.

In view of the matter, prayers (i), i(a) stands satisfied.

With respect to prayer (ii), the learned counsel for U.T.,
Chandigarh submits that the petitioner can avail his alternative remedies
in accordance with the Mental Healthcare Act, 2017 by approaching the
appropriate authorities in terms of Section 55 of the Act.

In view of the above, no further orders are required to be
passed by this Court.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

16.08.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No