

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

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**CRWP-1693-2022
Date of decision: 10.08.2022**

JARNAIL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, seeking issuance of a writ in the nature of Habeas Corpus for directions to respondents No.1 to 3 to release the detenue namely Amrita Kaur, wife of Jarnail Singh who was alleged to have been forcibly and illegally detained by respondents No.4 to 7.

Pursuant to the order dated 24.02.2022 passed by this Court, affidavit of Bhupinder Singh Sidhu, PPS, Senior Superintendent of Police, Fazilka has been filed. The relevant extract of the said affidavit reads thus :

“That in pursuance of order dated 24.02.2022 passed by the Hon'ble Court, it has been found that alleged detenue Amrita Kaur is presently living with her parents at Rajpura. Her statement was recorded by the police on 06.03.2022. In her said statement, she categorically stated that she had got solemnized love marriage with the petitioner with her own sweet will and consent in the year

*2020. But later on, she came back to her parental home in July, 2020 at her own accord. Since then, she has never been living with the petitioner or his family. Said Amrita Kaur has further categorically stated that petitioner used to threaten and blackmail her. Now she has nothing to do with the petitioner. She is living happily with her parents at Rajpura. Translated version of statement of said Amrita Kaur is annexed herewith as **Annexure R-2/T** for the kind consideration of the Hon'ble court.*

7. That it is respectfully submitted that keeping in view the totality of the facts and circumstances as enumerated hereinabove, which have come to the fore during course of investigation conducted so far, presently alleged detenue Amrita Kaur is living happily with her family at Rajpura at her own accord and she has not been detained or pressured by anyone. She doesn't want to live with her husband petitioner Jarnail Singh. It is further respectfully submitted that the directions dated 24.02.2022 passed by the Hon'ble court have been fully complied with in letter and spirit. Therefore, the present petition is liable to be dismissed being devoid of any merits.”

A perusal of the same shows that the alleged detenue is voluntarily staying at her parental house without any threat, coercion or pressure and that she has not been illegally detained. The present petition is accordingly dismissed. The liberty is however available to the petitioner to take recourse to the alternative remedy in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 10, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No