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

CRWP-2830-2022

Date of Decision: 30.03.2022

Davinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dinesh Mahajan, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of writ in the nature of Habeas Corpus for releasing the detinue, namely, Lovejit Kaur, from the custody of respondents No.4 & 5.

On the last date of hearing, notice of motion was issued by this Court and it was directed that the Commissioner of Police, Amritsar shall depute some senior lady officer to visit the residence of respondent Nos.4 & 5 and to ensure the protection of detinue, namely, Lovejit Kaur and thereafter get her statement recorded before the learned Illaqa Magistrate and threat perception be also assessed by the Police Officials.

In response thereof today, the learned Deputy Advocate General, Punjab has filed an affidavit of the Assistant Commissioner of Police (Cyber Crime & Forensics), Amritsar City on behalf of the respondent-State in Court,

which is taken on record. Copy of the same has already been supplied to the learned counsel for the petitioner. The learned State counsel while referring to the reply has submitted that in pursuance of the order passed by this Court, a lady Police Officer had visited the house of respondents No.4 & 5 from where the detainee- Lovejit Kaur and three minor children were found and they were taken to the learned Illaqa Magistrate where they have stated that respondent No.4, who is the husband of detainee has mistreated and beaten up not only the detainee but even the minor children and various other serious allegations were also levelled by the detainee while recording the statement before the learned Illaqa Magistrate. Since there were injuries on the children as well, medical was also conducted and the details of the same have also been stated in the affidavit. Consequently, FIR No.63 dated 29.03.2022, under Section 10 of the Protection of Children from Sexual Offences Act, 2012 as well as Sections 354-A, 342 & 323 of the IPC was lodged against respondent No.4 and thereafter, the mother and brother of the detainee were also nominated in the present case and apart from the mother-in-law.

Learned State counsel further submitted that the detainee and her minor children have since been released and their threat perception was assessed and a specific statement was given by the detainee-Lovejit Kaur wherein she has stated that she is the owner of the house mentioned in Para No.8 of the affidavit and she wanted to live in that house with her minor children and the husband of the detainee is already in custody and she has no apprehension of fear about her safety and in case need arises, she would contact the Police Officials and she has, therefore, declined to avail any security from the Police at present.

Learned counsel for the petitioner has submitted that in view of the affidavit filed by the State and in view of the fact that the detenue along with her minor children have been released and they have stated to the Police that they have no apprehension from respondent No.4, since he is now in custody, he does not wish to press the present petition.

In view of the above, the present petition is disposed of as having been not pressed.

Needless to say that in case the aforesaid detenue-Lovejit Kaur has in future any apprehension of her security from any of the accused in the aforesaid FIR then she may approach the concerned SHO for the same and in case she makes any application to the SHO in this regard then the SHO shall be duty bound to consider the same forthwith and assess the threat perception and thereafter to take appropriate action if so required.

30.03.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |