

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

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**CRWP-3513-2022(O&M)
Date of decision: 27.04.2022**

GAGANDEEP

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

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

Present : Mr. TPS Makkar, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India for seeking issuance of writ in the nature of *habeas corpus* for tracing and to secure release of the detainee namely Kamalpreet Kaur aged 22 years having date of birth 15.09.2000.

Pursuant to the notice of motion issued and the office of Senior Superintendent of Police, Barnala having been directed to record a statement of the alleged detainee and to take appropriate steps to ensure security to the life and liberty of the said detainee, a status report by way of affidavit of Gurwinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Tapa, District Barnala has been filed. A copy thereof has been furnished to the counsel for the petitioner. The relevant extract read thus:-

4. That it is respectfully submitted that immediately the girl/detinue i.e. Kamalpreet Kaur was searched and she was

found at her parental home. Then her statement her was recorded by the Deputy Superintendent of Police, Sub-Division Barnala along with Lady Constable and thereafter by the Superintendent of Police, PBI, Barnala who was the senior most lady office in District Barnala.

- 5. That it is respectfully submitted that the detenue Kamalpreet Kaur got recorded her statement in which she stated that she has a threat from her parents and her family members because she is having a friendship with the Petitioner Gagandeep Sharma and she wants to marry him. Therefore she was produced before the Sh. Vaneet Kumar Narang. ACJM, Barnala and there also she stated the same. Thus considering the threat to the detenue the Ld. Judge, has sent the detenue to one Sakhi Center Barnala till 25.04.2022, so that she can live their safely without any threat.*
- 6. That it is respectfully submitted that other than this the family members and parents of the detenue were also made to join the inquiry and as per the statements of the family members and parents of the detenue they have no problem if she wants to marry Gagandeep Sharma i.e. Present Petitioner.*
- 7. That it is respectfully submitted that on the basis of the same a report has been concluded by the deponent which has been seen by the Senior Superintendent of Police, Barnala. That the detenue has been safely sent to One Stop Sakhi Center, Barnala. However, to make sure that her security, she has been provided with mobile numbers of deponent, SHO, Police Station Rureke, Head Munshi Police Station Rureka, Barnala and Control Room Barnala, so that in case of emergency she can contact the local police and the needful can be done in accordance with law. The copy of the report No. 123/LIT/DST dated 25-04-2022 is attached as Annexure R-1T.*
- 8. That it is respectfully submitted that on 25.04.2022 the detenue Kamalpreet Kaur was again produced before the Ld.*

ACJM, Barnala and simultaneously an application has been moved by uncle (Mama) of Kamalpreet Kaur before the Ld. Court below for taking the detinue with him. However Kamalpreet Kaur denied to go with her her uncle. Thus the Ld. Court below has sent Kamalpreet Kaur back to One stop Sakhi Center Barnala till 09.05.2022. However, the formal order of Ld. Court below was not yet signed till the preparation of present affidavit.

It is apparent from the perusal of the same that the detinue had specifically deposed that she apprehended threat from her parents and her family members on account of her proximity with the petitioner. She expressed her non-willingness to stay in her maternal house. Resultantly, gauging the threat to her life, the detinue was lodged at One Stop Sakhi Centre, Barnala.

Counsel for the petitioner contends that the said detinue has now been forcefully retained at the One Stop Sakhi Centre, Barnala, despite being a major and she is not being allowed by the authorities to join the company of the petitioner, where she would like to reside.

Having considered the status report filed by the authorities and also taking into consideration the fact that the detinue has been taken out of the line of danger, as was apprehended by her at her maternal house, it would not be appropriate to force her confinement at the One Stop Sakhi Centre, Barnala. She would be at liberty to stay at the place of her choice. The District Administration may accordingly record a statement and in case she wants to leave the One Stop Sakhi Centre, Barnala of her free will, she may be allowed to go forthwith.

The petition is accordingly disposed off.

A copy of the order be handed over to the counsel for the petitioner

under the signatures of the Court Secretary.

April 27, 2022

S.Sharma(syr)

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No