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

CRWP-4415-2022

Date of Decision: September 19, 2022

PRATIBHA HANDA

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

Mr. Ashish Aggarwal, Advocate
for respondents No.6 and 7.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuing of a writ in the nature of Habeas Corpus directing respondents No.1 to 5 to release Smt. Rattna Kumari Daga w/o Sh.Krishan Gopal Daga (detenue) who has been kept at an Old Age Home namely Heavenly Palace, Rampur Road, SBS Nagar, Doraha, Ludhiana, Punjab against her wishes at the behest of respondent No.6 and 7 and for directing the official respondents to hand over the custody of the detenue i.e. Smt. Rattna Kumari Daga w/o Sh. Krishan Gopal Daga to the petitioner who is the real daughter of the detenue as she wants to take care of her mother keeping in view her health which has gone down

from bad to worse day by day due to the atrocities committed by respondent No.6 and 7 on account of lust of property.

Notice of motion in this case was issued on 10.05.2022.

Operative part of the order reads as thus:-

“8. In the meantime co-respondent No. 5 is directed to ensure that the best care become meted to one Smt. Ratna Kumari Daga, during her period of stay at the old age home concerned. Moreover, he is also directed to ensure that the petitioner is permitted to access her mother at the old age home concerned.”

Pursuant thereto, reply dated 19.09.2022 by way of an affidavit of Harsimrat Singh, PPS, Deputy Superintendent of Police, Sub Division Payal, Police District Khanna on behalf of respondent No.1 and 3 has been filed.

Learned State counsel refers to page 3 of the reply which read as thus:-

“That it is further submitted that as per the orders passed by this Hon'ble Court, the inquiry was conducted by the deponent and report vide letter No.814 dated 11.07.2022 was submitted before the office of Senior Superintendent of Police, Khanna, whereby it has been found that Ratna Kumari Dagga (alleged detenue) has two daughters Pratibha Handa and Bharti Hann and both are married Smt Ratna Kumari Dagga had no son because of which her husband Krishan Gopal adopted one boy Sumit Kumar who was 3 months old at that time and his upbringing, study and marriage was done by him. The above stated Sumit Kumar on 04.03.2022 got his mother Smt. Ratna Kumari Dagga admitted at Heavenly Palace, Doraha and the expenses are borne by him and for her care he has appointed 2 girls for 24

hours. Sumit Kumar at the time of admission of his mother Smt. Ratna Kumari Dagga gave an application that without his permission, no one should be allowed to meet his mother. Smt. Ratna Kumari Dagga is suffering from Diabetes very long time and medication was already going on. Sumit Kumar never came to meet his mother Smt. Ratna Kumari Dagga at Heavenly Palace, Doraha after getting her admitted. Petitioner Smt. Pratibha Handa alongwith her husband Sameer Kumar Handa has already met her mother Ratna Kumari Dagga on 12.05.2022 and 21.05.2022. Petitioner Pratibha Handa can meet her mother Ratna Kumari Dagga whenever she wants and there is no restriction from Heavenly Palace, Doraha regarding this. The above said Deputy Manager, Gurveer Singh has told ASI Mahinder Singh, Police Station Doraha that whenever Smt. Ratna Kumari Dagga wants as per her will can give me an application and can leave. That they do not have any objection regarding this...". The copy of the report No.814 dated 11.07.2022 is attached herewith as Annexure R-1/T."

Learned Counsel for the petitioner submits that his client is satisfied with regard to action taken in the matter, particularly with regard to the fact mentioned in para-5 of the reply that the detinue is living in Old Age Home namely Heavenly Palace, Rampur Road, SBS Nagar, Doraha, Ludhiana, Punjab. This petition be disposed of as having been rendered infructuous.

Disposed of as having being rendered infructuous.

19.09.2022
Sangeeta

(AMAN CHAUDHARY)
JUDGE

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