

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

CRWP-6194-2022

Date of decision : July 12, 2022

Avtar 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)

Pursuant to the order dated 24.06.2022, a report of the Warrant Officer has been received. The relevant extract of the report of the Warrant Officer reads as thus:

“ ----- On reaching the place i.e. house of the parents of the detenue, the petitioner-Avtar Singh was asked to remain present outside the house. At that very time detenue-Akwinder Kaur and Respondents No.4 to 7 namely, Harpal Singh, Harman Singh, Jaswant Kaur and Darshan Singh were found asleep in the house. On waking them up, firstly the detenue-Akwinder Kaur was asked to confirm the fact whether she was being forcibly detained by Respondents No.4 to 7 contrary to her will and also that there had been any apprehension of danger to her life. In turn, Akwinder Kaur made a written statement in her own hand to the effect that the petitioner had been her class-mate in her B.Sc. study; they wished to get married to each other, but now she intends to get her marriage solemnized only as per sweet wishes of her parents; she is living in her house happily and without any type of pressure from the side of her family members; she don't apprehend any danger to her life at the hands of her family members. Further,

she expressed her ignorance to the present petition filed by the petitioner in the Hon'ble High Court. Alleged detenue has also clearly specified in her statement that she has never told the petitioner about her forcible detention in the house by her family members as well as apprehension of danger to her life at their hands. Besides, as per the statement of the alleged detenue there is no truth regarding the allegation of her detention and any danger to her life, as levelled by the petitioner in CRWP. Statement of Akwinder Kaur made in Punjabi alongwith its translation is attached herewith as Annexure -'B'.

*Subsequently, Respondents No.4 to 7, who are parents, brother and grand father of detenue-Akwinder Kaur, in their Joint Statement dated 25.06.2022 has also stated that as per their knowledge, Avtar Singh s/o Kuldeep Singh of village Janheria, District Patiala, had been the classmate of Akwinder Kaur at the time of her study of B.Sc. Computer; they don't know about their friendship and moreover, Akwinder Kaur has never told them about their friendship as well as her intention to get her married with Avtar Singh. They have clearly denied the allegation of forcible detention of Akwinder Kaur and danger to her life at their hands. On the contrary, they have stated that Akwinder has been living in their house happily and without any fear and pressure. Joint Statement of Respondents No.4 to 7 made in Punjabi along with its translation is at **Annexure-'C'**. Notices issued by the Hon'ble Court to Respondents No.4 to 7 were served to them **Annexure -'D'**.*

In conclusion, as per statements of the alleged detenue-Akwinder Kaur, her family members (Respondents 4 to 7) as well as the situation prevailing at the place of alleged detention, the undersigned is of the opinion that there is no any type of forcible detention at the hands of Respondents 4

to 7 and that the detenue has been living in the house of her parents happily and without any pressure. Moreover, she does not apprehend any danger to her life.”

The status report by way of affidavit of Jaswinder Singh Tiwana, PPS, Deputy Superintendent of Police, City-II, District Patiala on behalf of respondents no.1 to 3 has also been handed over today in the Court. The relevant extract of the same reads thus:

*“That after visiting the village, Akwinder Kaur daughter of Harpal Singh, Harpal Singh son of Darshan Singh (Father) Harmandeep Singh son of Harpal Singh (Brother), Jaswant Kaur wife of Harpal Singh (Mother), Darshan Singh son of Kundan Singh (Grand Father) were present in the house and as per the orders of Hon'ble High Court, SI Gurpreet Kaur 44PRT asked from Akwinder Kaur after taking away from her other family members and she has given one statement written by herself while stating that she is residing happily with her family members and she has not been illegally detained by anyone and she will get married as per the will of her mother and father. Avtar Singh was his school friend and now she is not ready to marry without the consent of her family members. Family members of Akwinder Kaur has also given joint statement while stating that Akwinder Kaur is residing happy with them and she has not threat from them and she can marry anywhere for her choice. Detenue was handed over to her family members as there was no threat from her family members. Police officials alongwith Warrants officer have come present in Police Station who were visited the spot vide DDR no.2 dated 25.06.2022 and another DDR was recorded vide DDR no.3 dated 25.06.2022. The true translated copy of the DDR No.3 dated 25.06.2022 and statement of Akwinder Kaur are attached herewith as **Annexure R-2/T and R-3/T.**”*

In view of the aforesaid report submitted by the Warrant Officer as well as the reply furnished by the Deputy Superintendent of Police, Patiala, there is no reason for the Court to assume that the alleged detenue has been possibly detained or that there is imminent danger to her life. There is no representation on behalf of the petitioner today. However, by taking into account the aforesaid facts, I am of the opinion that there is no subsisting cause of action or merit in the present case. The same is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

July 12, 2022
sarita

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No