

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

Sr. No. 237

CRWP-8631-2022

Date of decision : 9.9.2022

Shanti Devi

.....Petitioner(s)

VERSUS

State of Punjab and others

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Rajeev Sharma, Advocate for the petitioner

Mr.MS Atwal, DAG, Punjab

Mr.Ranjeet Sharma, Advocate for respondent Nos. 4 to 6

AMAN CHAUDHARY, J.

The present criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to get released detinue Neelam @ Neelu daughter of the petitioner, who has been illegally of respondent Nos. 4 to 6. The petition is supported by a duly sworn affidavit of the petitioner.

Pursuant to order dated 7.9.2022, issuing notice of motion, Warrant Officer, who was appointed, submitted his report dated 8.9.2022 alongwith the statement of the detinue in vernacular, which is taken on record. The relevant part of the said report reads as under:-

“In the company of police party, one lady police official, alongwith the petitioner and daughter of the petitioner, I reached the residence of respondent Nos. 4 to 6 i.e. House No.37-A, Sant Ngar, Kallu Da Akhada, Tehsil and District Amritsar. Respondent Nos. 4 and 5 and other persons were present there. I disclosed my identity and purpose of visit to

them. I alongwith petitioner's elder daughter namely Ms. Jatinder Kaur and police party entered the house of respondent Nos. 4 and 5. Detenue Neelam @ Neelu was identified by her elder sister namely Ms. Jatinder Kaur. I asked respondent No.4 whether detenue- Neelam @ Neelu is in illegal detention of respondent Nos. 4 to 6, he denied the allegation made by the petitioner and told that Neelam is his wife and she is residing with him and his family members happily and she is now undergoing medical treatment due to her ill health and mental depression. I asked detenue- Neelam @ Neelu whether she is willing to give her statement regarding her decision according to the petitioner as mentioned in the criminal writ petition. In the meantime some unknown persons gathered outside residence of the said respondents and all were in aggressive mode. After that the police team took the detenue, her husband alongwith her family members to the Police Station Gate Haima (Khazanawala Gate), Amritsar, District Amritsar.

I further asked to detenue Neelam @ Neelu for recording her statement. She told me that she wish to go with her mother and elder sister and said step is being taken by her without any pressure and threat. The statement of detenue -Neelam @ Neelu is annexed herewith as Annexure "B".

Thereafter, detenue Neelam @ Neelu joined the company of her mother and elder sister namely Ms. Jatinder Kaur.

G.D. No.30 dated 07.09.2022 has been registered by the police officials, Police Station Gate Hakima (Khazanawala Gate), Amritsar, District Amritsar regarding searching procedure of the detenue and statements. The copy of the same is annexed herewith as Annexure "C".

Therefore, it is reported that detenue, Neelam @ Neelu daughter of the petitioner has been released from the

illegal detention of respondent No.4 to 6 and handed over to the petitioner and her elder daughter namely Ms. Jatinder Kaur.

Service report.

Service of respondent Nos. 3 to 6 is complete.

Submitted for kind perusal please.

*Chandigarh
Dated 08.9.2022*

*sd/
(Tara Datt Joshi)
Warrant Officer”*

In view of the above, learned counsel for the petitioner states that the present petition may be disposed of as having been rendered infructuous.

At this stage, learned counsel for the petitioner states that though the detinue has been released but still there is apprehension of threat to the life and liberty of the petitioner and her family, therefore, liberty be granted to the petitioner to approach the appropriate authority in case of any grievance still subsisting and to take out appropriate proceedings, if any, in accordance with law.

Accordingly, the present petition stands disposed of as having been rendered infructuous, with the aforesaid liberty.

9.9.2022
gsv

(AMAN CHAUDHARY)
JUDGE

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