

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

CRWP-10654 of 2021 (O&M)

DECIDED ON:13th December, 2022

Paramjit Kaur

.....PETITIONER

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Ms. Armaan Saggar, Advocate for petitioner.

Mr. Shiva Khurmi, AAG Punjab.

Ms. Simrat Kaur, Advocate for respondents No. 4 and 5.

AVNEESH JHINGAN, J (ORAL)

This writ petition in the nature of Habeas Corpus was filed by mother of Taranpreet Kaur (detenue) for her release from illegal custody of respondents No. 4 and 5.

As per the the case set up, the date of birth of detenue is 5.9.2004 and she was in illegal custody of private respondents (respondents No.4 and 5 arrayed in the petition).

On 22.9.2022, following order was passed:-

"On 2nd September, 2022, the Court was informed by learned counsel for respondents No. 4 and 5 that respondent No. 4 and detenue had solemnized marriage and she is an expecting mother. State counsel on instructions submitted that statement of the detenue would be recorded and necessary steps would be taken, if so required.

Today, learned State counsel on instructions from ASI Baljinder Singh submits that police officials went twice to the house of the respondents No. 4 for taking the detenue for recording her statement under Section 164 Cr.P.C. but she in view of her medical condition refused to go to the Court. He further submits that detenue had earlier given statement under Section 164 Cr.P.C. on 13th December, 2021 wherein she stated that she wanted to go with respondent No.4.

In view of the medical condition of the petitioner, let an officer of the DSP Rank preferably a lady officer otherwise accompanied by a lady police official and a Government Gynecologist Doctor to visit the house where the detainee is staying, considering her medical condition if possible, get her statement recorded under Section 164 Cr.P.C., otherwise her statement be recorded by DSP.

List on 13th October, 2022."

Learned State counsel had filed short reply dated 28.10.2022 annexing the statement of detainee recorded by DSP, Tarn Taran and report of Gynecologist, Civil Hospital, Tarn Taran.

From the perusal of statement it is forthcoming that the detainee had got recorded the statement on 6.10.2022 under Section 164 Cr.P.C. before the ACJM, Tarn Taran on 13.12.2021. Now she has refused to get her statement recorded in the Court, however, she has stated that she is living happily with her husband and is an expecting mother of 8 ½ month. As per report of gynecologist the detainee was 37 weeks 3 days pregnant and her due date of delivery was 24.10.2022.

Learned counsel for respondents No. 4 and 5 submits that detainee has now delivered a baby and she has attained majority.

In view of the fact that the detainee has attained majority, she has given a statement that she is happily residing with her husband. The detainee and her husband had approached this Court by filing CRWP No. 10709 of 2021 seeking protection of life and liberty as they had solemnized the marriage, it is not a case of illegal detention.

No interference is called for in the writ petition.

Dismissed.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

13th December, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>