

CRWP No. 10383 of 2022 and connected matter [1]

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

(1) CRWP No. 10383 of 2022

Balwant Singh

Petitioner

Versus

State of Haryana and others

Respondents

(2) CRWP No. 10368 of 2022

Vaneet Kour and another

Petitioners

Versus

State of Haryana and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Bhinder, Advocate for the petitioner in CRWP-10383 of 2022.

Mr. J. S. Warring, Advocate for the petitioners in CRWP-10368 of 2022.

Mr. C. S. Rana, Advocate for respondents No. 5 and 6 in CRWP No. 10383 of 2022.

Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

CRWP No. 10383 of 2022 in the nature of Habeas Corpus was filed for release of detenue (daughter of the petitioner) who was alleged to be in illegal custody of respondent No. 6.

On 1.11.2022, following order was passed:

“The lawyers are abstaining from work.

This petition in the nature of Habeas Corpus is filed seeking directions for releasing detenue (name withheld) from

illegal custody of respondent No. 6.

The Registry is directed to appoint Warrant Officer who shall visit the place of the alleged illegal detention or any other place as may be pointed out by the petitioner. If the detenue is found to be in illegal detention of respondent No. 6, then the Warrant Officer shall proceed to get her released forthwith, in case she is not required in any other case. The Warrant Officer may take necessary steps from the concerned police station, if need arises.

List on 9.11.2022.

The remuneration of the Warrant Officer shall be borne by the petitioner.

The Warrant Officer shall submit its report on or before 9.11.2022.”

The Warrant Officer has filed report dated 2.11.2022. As per the report, raid was conducted at the residence of respondent No. 6. Neither the detenue nor respondent No. 6 were found. Mother of respondent No. 6 was present. She informed that respondent No. 6 has left the house ten days back.

CRWP No. 10368 of 2022 was filed by the detenue and respondent No. 6, seeking protection of their life and liberty came up for hearing on 2.11.2022 and following order was passed:

“Members of the Bar are abstaining from work today.

By way of filing this petition, the petitioners seek necessary protection of their lives and personal liberty in view of the fact that they are living in live-in relationship and are under eminent threats at the hands of respondent No. 4. Petitioner No.1 – Vaneet Kour is aged about 18 years of age, whereas, petitioner No. 2 – Sandeep Singh is aged about 18 years.

In the context of threat perception at the hands of private respondent No. 4, petitioners have allegedly moved representation dated 22.10.2022, (Annexure P-3) to Superintendent of Police, Fatehabad (respondent No. 2), wherein, all the apprehensions to their lives have been expressed.

Since petitioners have not contracted any marriage and

seek only protection qua their lives and personal liberties, it would be appropriate to direct respondent No. 2-Superintendent of Police, Fatehabad, to have a fair look on the grievance of the petitioners in order to ascertain veracity of allegations made by them.

Respondent No. 2 would be at liberty to devise his/her own mechanism to ascertain the truth. He/she would also be at liberty to join the petitioners or any other person acquainted with facts in issue. If innocence of the petitioners is established, then respondent No. 2 shall proceed to take appropriate action in order to protect their lives and personal liberty from being invaded by private respondent No.4.

This order is passed at this stage without meaning anything on the status of the petitioners on the basis of live-in relationship. Respondent No. 2 would pass necessary order without being influenced by any statement of fact recorded here-in-above.

At this stage, Balwant Singh who states himself to be a father of petitioner No. 1-Vaneet Kour, submits that petitioner No. 2, namely Sandeep Singh is a drug addict and a case i.e. FIR No. 0281 dated 21.09.2022 under Section 21 (b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, is also registered against him at Police Station Rattia, District Fatehabad. He further submits that he has already filed a Habeas corpus petition i.e. CRWP-10383-2022 for getting his daughter (petitioner No. 1) released from the illegal custody of petitioner No. 2-Sandeep Singh, which is fixed for 09.11.2022 for awaiting the report of the Warrant Officer.

Order dated 09.11.2022 passed by co-ordinate Bench of this Court, says as under:

“The lawyers are abstaining from work.

This petition in the nature of Habeas Corpus is filed seeking directions for releasing detainee (name withheld) from illegal custody of respondent No. 6.

The Registry is directed to appoint Warrant Officer who shall visit the place of the alleged illegal detention or any other place as may be pointed out by the petitioner. If the detainee is found to be in illegal detention of respondent No. 6, then the Warrant Officer

shall proceed to get her released forthwith, in case she is not required in any other case. The Warrant Officer may take necessary steps from the concerned police station, if need arises.

List on 9.11.2022.

The remuneration of the Warrant Officer shall be borne by the petitioner.

The Warrant Officer shall submit its report on or before 9.11.2022.”

Respondent No. 2-Superintendent of Police, Fatehabad, is directed to look into the said aspect also i.e. registration of the case under NDPS Act against the petitioner No. 2 (Sandeep Singh) and one Habeas Corpus petition which has been filed by Balwant Singh (father of petitioner No. 1).

Notice of motion for 9.11.2022.

After examining the representation submitted by the petitioners i.e. Annexure P-34 and the submissions made by Balwant Singh (father of petitioner No. 1), status report be filed by Respondent No. 21 on or before the next date of hearing.

List this petition be heard along with CRWP-10383-2022.”

As per the pleadings of CRWP No. 10368 of 2022, the detinue and respondent No. 6 are in live-in relationship.

Learned counsel for the State on instructions submits that phones of the petitioners are switched off and they are not available on the address given in the petition. She further submits that in case they approach the police authorities, necessary steps as warranted under law would be taken.

Learned counsel for the petitioners in CRWP No. 10368 of 2022 submits that the petitioners will approach the office of Superintendent of Police concerned in case of threat apprehension.

It is evident from the facts narrated above as there is no illegal detention and the detinue of her own sweet will is living with respondent

No. 6 , CRWP No. 10383 of 2022 is dismissed.

In view of the statement made by learned counsel for the State, no further directions are called for in CRWP No. 10368 of 2022. The petition is disposed of.

There is no doubt that in case the petitioners approach the police authorities apprehending threat, needful steps would be taken expeditiously in accordance with law.

[AVNEESH JHINGAN]

JUDGE

9th November, 2022

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1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No