

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

205

**CRWP-11035-2022
Decided on : 22.12.2022**

Malkit Kaur

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Mandeep Kaur, Advocate
for the petitioner(s).

Mr. Sanish Girdhar, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of habeas corpus for immediate release of the detenu, namely Amanjot Kaur (daughter of the petitioner) from the illegal custody of private respondents No. 4 to 10, by appointing a Warrant Officer.

On 21.11.2022 following order was passed by this Court:

“Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of habeas corpus.

Learned counsel contends that the alleged detenu, namely, Amanjot Kaur (daughter of the petitioner), has been illegally detained by private respondents No. 4 to 10.

Notice of motion, for 06.12.2022.

On asking of the Court, Mr. AS Sandhu, AAG,

Punjab, accepts notice on behalf of official respondents No. 1 to 3 (State). Let requisite copies of complete paper book be supplied to him during the course of the day.

In the meantime, Registry is directed to appoint a Warrant Officer, on payment of usual charges, who will visit the place(s) of alleged detention of detenu and if found in illegal detention, then to get her released immediately after recording her respective statement.

The Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court.”

In compliance of aforesaid order, report of the Warrant Officer (undated) has been received and opened from the seal cover in Court today. Registry is directed to tag the same at appropriate place.

Said report says as under:

“REPORT

I was nominated as Warrant Officer in the instant matter on 21.11.2022 by the Registry.

Undersigned left for Village Bhat Majra, Saidpura, Tehsil and District Fatehgarh Sahib in a private vehicle along with the relatives and known of the petitioner. On reaching Fatehgarh Sahib we moved to concerned Police Post Nabipur, the iron gate of the police post was knocked which was opened by an official of the police post who introduced himself as Sikander Singh, H.C. on night munshi duty.

After giving introduction and purpose of the visit

undersigned asked for the police assistance, H.C.- Sikander Singh informed Chowki incharge S.I.-Pawan Kumar, and then rang up the officials to come immediately to police post who were on patrol duty. Then, about within ten minutes came the patrol party undersigned along with patrol party and H.C. Sikander Singh moved towards village Bhat Majra. However, the relatives and known of the petitioner refused to accompany the undersigned for the reasons best known to them. On reaching, the house of the respondent no. 6 i.e. Rani wife of Baldev Singh the door was knocked by H.C.- Sikander Singh. The door was opened by a lady who introduced herself as Rani i.e. respondent no.6, undersigned after giving introduction asked her about the alleged detenue, to which she said that the alleged detenue i.e. Amanjot Kaur (herein the matter daughter of the petitioner) has married her son but they do not live here and she does not know their whereabouts. The house was searched but no one was found. In the meantime, came S.I.-Pawan Kumar incharge police post. The summons on behalf of the respondents no.4 to 10 were received by Pinki i.e. respondent no.7, duly signed by her in punjabi.

Thereafter undersigned along with the police officials left the house of Respondent no.6 i.e. Rani. and came back.

Entry with regard to the search conducted was got

made at Sr. No.23 and 24 in the Roznamcha.

(Manoj Kashyap)
Warrant Officer

Enclosed

10.” i) Copies of summons served upon respondent nos.4 to

Although there is no statement recorded by warrant officer, yet State (respondents No. 1 to 3) have filed their status report by way of an affidavit of Sukhbir Singh, PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Sahib, District Fatehgarh Sahib, Punjab dated 19.12.2022 on behalf of respondents No. 1 to 3 and same is taken on record. Registry is directed to tag the same at appropriate place.

As per said report, statement of alleged detenue has been recorded by Investigating Officer on 17.12.2022.

Said statements says as under:

“Statement of Amanjot Kaur wife of Kulwinder Singh resident of Village Bhat Majra Haal Abaad Village Labana Teku Police Station Sadar Nabha, District Patiala aged about 22 Years.

Stated that I am resident of above address. My Date of Birth is 10.02.2001 and I am Major. On 05.10.2022. I solemnized my marriage at my own will with Kulwinder Singh son of Baldev Singh resident of our Village Bhat Majra. Thereafter. I went to my home at Village Bhat On 08.11.2022, I went with my husband Kulwinder Singh at my own will without informing my house. Now we both are living together. I have no danger of any type from them. I

am happy with my husband and we are living our life happily. I have got recorded my statement before you in the presence of my husband Kulwinder Singh, the same is read, heard and is correct.

Sd/- Kulwinder Singh

Sd/- Amanjot Kaur
Applicant Amanjit Kaur
9115912691

Verified by
Sd/-

I/C PP Nabipur
Police Station Sirhind.
Dated 17.12.2022.”

Relevant paragraph 4 of the status report is also reproduced
herebelow:

“4. That in this regard, it is submitted that on 17.12.2022, the statement of the alleged detainee has been recorded, wherein she has stated that she is major and on 5.10.2022, has solemnized marriage at her own will with Kulwinder Singh (Respondent No. 4) son of Baldev Singh resident of our Village Bhat Majra. Thereafter, she went to her home at Village Bhat Majra. On 08.11.2022, she went with her husband Kulwinder Singh (Respondent No. 4) at her own will without informing anyone from her house. Now, they both are living together and have no danger of any type from Respondent No. 4 to 10. She is living happily with her husband. A true translated copy of the Statement dated 17.12.2022 is annexed herewith as ANNEXURE R-1/T and its true copy as ANNEXURE R-1”.

Mr. Balbir Singh Saini, Advocate, appears on behalf of respondents No. 4 to 10 and files his vakalatnama which is taken on record. Registry is directed to tag the same at appropriate place. Learned counsel for respondents No. 4 to 10 adopts the reply filed by learned State counsel.

Learned State counsel points out that SI Pawan Kumar, alongwith alleged detainee is present before this Court who submits that as per inquiry done by him at his own level, alleged detainee has performed marriage with respondent No. 4 and wants to live in his company.

However, alleged detainee, who is being identified by SI Pawan Kumar, is present in the Court and she herself states that she has no pressure or influence of any one over her and wants to stay with her husband i.e. respondent No. 4.

In view of the stand of the parties and the stand taken in reply, there is no merit in the present petition and hence, same stands dismissed.

Petition stands dismissed.

(SANJAY VASHISTH)
JUDGE

22.12.2022

Riya

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