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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-2072-2019
Date of Decision: 21.07.2022

Satvir Kaur

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a petition filed under Article 226 of the Constitution of India with a prayer for issuance of a writ in the nature of Habeas Corpus for release of detenue namely Eknoorpreet Singh minor son of the petitioner who is stated to be in illegal custody of respondent Nos. 4 and 5.

The learned counsel for the petitioner is not present in the Court today.

A perusal of the earlier orders show that for the last three times also the learned counsel for the petitioner did not appear and on 18.11.2021 this Court had directed the Registry to inform the learned counsel for the petitioner with regard to the next date of hearing and thereafter, the Registry had informed the counsel for the petitioner with regard to the next date of

hearing and when the matter was taken up on 04.02.2022 again learned counsel for the petitioner did not appear despite the fact that he was informed with regard to the date fixed and therefore, this Court had made it clear that if the learned counsel for the petitioner does not appear on the next date of hearing, then the matter will be taken up for further consideration in his absence. Today, learned counsel for the petitioner has not appeared and therefore, this Court has no option but to proceed with this case in the absence of the learned counsel for the petitioner on the basis of the pleadings and with the assistance of the learned State counsel.

The allegations made in the present petition are that the petitioner is the mother of one minor child namely Eknoorpreet Singh. The respondent No.4 is the father of the child and husband of the petitioner. Mr. H.S. Sullar, learned Deputy Advocate General, Punjab appearing on behalf of State of Punjab has submitted that a detailed status report has been filed in the present case and while referring to the status report, he submitted that a detailed inquiry was conducted in the present case and the petitioner was called a number of times but she failed to appear and rather her parents had come present. It was also found that the aforesaid Eknoorpreet Singh is the son of petitioner and respondent No.4 but there appears to be some misunderstanding between them and the minor son Eknoorpreet Singh is living with his father who is his natural guardian and there is nothing to show that he has been either kidnapped or is in illegal custody. It has been further stated in the affidavit that the petitioner has not moved any kind of the complaint to the police and has filed the present petition.

I have heard the learned State counsel as well as gone through the affidavit filed by the State.

The present is a petition for grant of a writ in the nature of Habeas Corpus. As per the affidavit the child is with his father and on the basis of inquiry conducted by the police it was found that he was not taken illegally or in a coercive manner. The petitioner also did not cooperate with the inquiry. Apart from the same, the learned counsel for the petitioner has also remained absent for the last three dates.

In view of the aforesaid position, it cannot be said that the minor Eknoorpreet Singh is in illegal detention of his own father i.e respondent No.4.

Consequently, there is no merit in the present petition, the same is hereby dismissed.

21.07.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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