

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

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**CRWP-2162-2023 (O&M)
Decided on : 14.03.2023**

Kulwinder Kaur

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sukhbir Maandi, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

In the present petition, prayer for issuance of writ in the nature of habeas corpus has been made. On 03.03.2023 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 roving writ in the nature of Habeas Corpus, for seeking release of detenue/daughter-in-law of the petitioner ‘Gurleen Kaur’ aged about 25 years, from the illegal custody of respondents No.3 & 4.

Learned counsel for the petitioner submits that today i.e. on 03.03.2023, when detenue was to start for Dubai and reached Airport for catching her flight for Dubai, respondents No.3 & 4 illegally detained her in arbitrary manner, without there being any criminal case against her. However, learned counsel for the petitioner submits that there is a case registered against Amarbir Singh, who is husband of the detennue ‘Gurleen Kaur’.

Notice of motion for 14.03.2023.

On asking of the Court, Mr. JS Arora, DAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3, and seeks time to file status report in the matter.

Meanwhile, respondent No.3 would send necessary intimation to respondent No.4 about the next date of

hearing fixed before this Court. ”

Today, learned State counsel has filed status report by way of affidavit of Kamaljit Singh, PPS, Assistant Commissioner of Police, Airport, Amritsar on behalf of respondents No. 1 to 3. Same is taken on record. Registry is directed to tag the same at appropriate place. Relevant paragraphs No. 4 and 5 of the said status report says as under:

- “4. That it is submitted that as per report furnished by SHO of Police Station Airport, Amritsar City, on 03.03.2023, RK Chalotra, Senior Immigration Officer, ICP. Sri Guru Ram Das Ji, Airport, Amritsar vide his office letter dated 03.03.2023 had handed over one LOC subject namely Gurleen Kaur (alleged detenue) D/o Arjinder Singh R/o VPO Najka, Jalandhar along with her original passport No. R1348321 to SHO of Police Station Airport, Amritsar as it was mentioned in the aforesaid letter that the above said subject (alleged detenue) Gurleen Kaur is required in cases vide FIR No. 429/2021 & dated 17/11/2021 u/s 13, 17, UA (P) Act at PS Nagrota, Jammu. The action required to be taken against the LOC subject was "DETAIN & INFORM THE ORIGINATOR" and it was also mentioned therein that the LOC subject is handed over for further handing over to PS Nagrota, Jammu and arrest party will take the custody as soon as possible.*
- 5. That it is submitted that on the same day i.e. 03/03/2023, Inspector Anil Sharma along with other police officials from SIA Jammu Police in connection with investigation of case FIR No. 429, dated 17.11.2021, under Section 13, 17 Unlawful Activities (Prevention) Act, Police Station Nagrota, Jammu had come to Police Station Airport, Amritsar City, who questioned the above said LOC subject Gurleen Kaur (alleged detenue). Thereafter, the LOC Subject Gurleen Kaur (alleged detenue) was released at the same time and was handed over to her relative Hira Singh S/o Hardeep Singh R/o Village Marhana, Police Station Chohla Sahib, District Tarn Taran along with her original passport, boarding pass*

and luggage and the police party had departed to their destination. The DDR No. 43, dated 03.03.2023 was recorded in this respect at Police Station Airport, Amritsar City. As such, it is evident that the alleged detenue Gurleen Kaur was not kept in any kind of illegal custody by the answering respondents. The above said letter received from Senior Immigration Officer, ICP, SGRDJI, Airport, Amritsar bearing signatures of Gurleen Kaur, Hira Singh and copy of DDR No. 43, dated 03.03.2023 are annexed herewith as Annexure R-1 and R-2/T for the kind perusal of this Hon'ble Court.

The present Status Report is being submitted for the kind consideration of this Hon'ble Court and it is, therefore, respectfully prayed that the present petition may kindly be dismissed, in the interest of justice.”

In view of the stand taken by respondents No. 1 to 3 and as reproduced here-in above, learned counsel for the petitioner does not press the present petition.

Accordingly, present petition stands **disposed of**, being not pressed.

(SANJAY VASHISTH)
JUDGE

14.03.2023

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