

GOURAV GHAI

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manmeet Singh, Advocate
for the petitioner(s).

Ms. Navreet Kaur Barnala, Asstt. A.G., Punjab.

Mr. Daljeet Singh Virk, Advocate
for respondent Nos.6 to 9.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present Criminal Writ Petition under Articles 226/227 of the Constitution of India is for the issuance of a writ in the nature of Habeas Corpus and for appointment of Warrant Officer with roving writ to search for the detenue-Helocise daughter of the petitioner and get her release from the illegal custody of respondent Nos.6 to 10.

When this matter had come up for hearing on 14.03.2023, the following order was passed:-

“This is a criminal writ petition filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus to produce the detenue, namely, Helocise (daughter of the petitioner), who is stated to be in illegal detention of respondents No.6 to 10.

Notice of motion for 28.03.2023.

Meanwhile, the Registry is directed to appoint a Warrant Officer, who shall search for the

whereabouts of the alleged detainee, at the address(s) mentioned in the petition or at any other place(s) as may be indicated by the petitioner, and if, the alleged detainee is found to be in illegal custody of respondents No.6 to 10, she be got released forthwith. The fee of the Warrant Officer shall be determined by the Registry as per Rules and borne by the petitioner. The report of Warrant Officer be also placed on record before the next date of hearing.”

Thereafter, on 28.03.2023, the following order was passed:-

“The report of the Warrant Officer has been seen and resealed. The same is taken on record. As per the said report, respondent No.6 who is the grand-father of Sofia Ghai @ Rohina Bashir has the custody of the alleged detainee namely, Helocise i.e. the daughter of the petitioner. Since the matter pertains to the well-being of a child, respondent Nos.3 and 4 are directed to ensure the presence of all the private respondents along with the child Helocise and Sofia Ghai @ Rohina Bashir wife of the petitioner in this Court on the next date of hearing.

A status report dated 28.03.2023 by way of an affidavit of Nirmal Singh, PPS, Assistant Commissioner of Police, Central, Jalandhar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record.

List on 10.04.2023.”

Today, the petitioner is present in Court. His wife i.e. Sofia Ghai @ Rohina Bashir is also present in Court along with her family members and the daughter namely, Helocise. After addressing the Court

for some time, the petitioner wishes to withdraw this petition and prays that directions be issued to his estranged wife namely, Sofia Ghai @ Rohina Bashir to facilitate his meeting with their daughter twice a month.

The aforementioned prayer has been accepted by all the private respondents including Sofia Ghai @ Rohina Bashir, wife of the petitioner and the mother of the minor child Helocise.

In view of the above, the present petition is ordered to be dismissed as withdrawn.

However, the private respondents including Sofia Ghai @ Rohina Bashir wife of the petitioner shall ensure that the petitioner who is the father of the child namely, Helocise is permitted to meet the child for a period of 06 hours twice a month on mutually agreed dates and times at Police Post Soibugh, District Budgam, Jammu and Kashmir. The S.H.O. of the concerned Police Station and the Incharge of the Police Post shall facilitate the said meetings and ensure that the petitioner is able to meet his minor daughter in a secure and peaceful environment.

It is also made clear that in case any impediment is caused in the meetings at the instance of the private respondents, the above-said Police Officials shall take appropriate action against them.

(JASJIT SINGH BEDI)
JUDGE

10.04.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No