

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRWP-3627-2023 (O&M)
Decided on : 25.05.2023

Deepak

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioners.

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

SANJAY VASHISTH, J. (Oral)

1 In the present protection petition, after hearing the submission on 15.04.2023, this Court has passed the following order:

*“Present: Mr. Ankush Bharti, Advocate,
for the petitioner(s).*

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Present petition is being heard at Camp Office at the residence today on 15.04.2023 i.e. Saturday.

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 petitioner and alleged detainee ‘Maman Kaur’ are in love relation with each other for the last two years, and private respondents No.4 to 6 are trying to solemnize her marriage with some other boy namely ‘Balwinder Singh’ against her wishes. In fact, on 11.04.2023, detainee ‘Maman Kaur’ had left her house for performing marriage with the petitioner, but on reaching at bus-stand Budhladha, both of them were caught together by private respondents No.4 to 6, and after giving beatings, forcibly took away the alleged detainee ‘Maman Kaur’, and since then the detainee is in illegal custody of private respondents No.4 to 6.

Learned counsel further contends that subsequently, on 13.04.2023, detainee ‘Maman Kaur’ made a telephonic call from her Mobile No.88470-17670 to the petitioner on his Mobile No.75280-40901, and told him that she is in love with him (Petitioner) and will

not marry anybody else, therefore, detenue requested the petitioner to take her away from the forceful detention of the private respondents.

Notice of motion, for 25.05.2023

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 detenue, and if finds her in illegal detention, she be got released immediately after recording her statement. Warrant Officer would also ensure that said statement of detenue is free from any kind of pressure or outside influence from any quarter.

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

2 Today, learned State counsel has filed the short reply dated 24.05.2023 on behalf of respondent No. 2. Same is taken on record. Registry is directed to tag the same at appropriate place.

3. Today, Warrant Officer's report dated 17.04.2023 has been received in sealed cover, which is opened in the Court. Same is taken on record. Registry is directed to tag the same at appropriate place.

Said report says as under:

Report:

For compliance of the orders dated 15.04.2023 passed by Hon'ble High Court. I took police help from Police Station Dharamgarh. Teh. Sunam, District Sangrur, on dated 16.04.2023 at 8.00 AM. In the company of police party alongwith petitioner, we reached the residence of Respondents No. 4 to 6, situated in Village Dharamgarh Teh. Sunam, District Sangrur, some ladies family members. Mr. Satgur Singh (son of Respondent No.5) were present in the house. then I disclosed my identity and purpose of my visit my visit.

We searched the house of the Respondents No. 4 to 6, but Ms. Maman Kaur not found in the said house, then I asked the Mr. Satgur Singh and other family member, where is Ms. Maman Kaur. They are stated Ms. Maman Kaur was stay in the house of Jaspal Kaur (Massi), Situated in Village Fatehgarh. Tehsil Lehra, District Sangrur, then we alongwith petitioner, Mr. Satgur Singh (Son of Respondent No.5) and Police party proceeded for Village Fatehgarh.

It is pertinent to mentioned here that Village Fatehgarh under the jurisdiction of Police Station Lehra, so Police official call to SHO Lehra, for some Police protection for the said purpose and necessary information.

Thereafter we alongwith Petitioner, Mr. Satgur Singh (Son of Respondent No.5) and Police party of PS, Dharamgarh and Lehra reached in the house of Jaspal Kaur (Massi) of alleged Detenue, when we reached in the house of her Massi, we searched the said house, Ms. Maman Kaur was present in the said house alongwith other family members, I asked why they are forcibly detained to Ms. Maman Kaur. but no reply given by the family members. Thereafter Ms. Maman Kaur came present before the undersigned and verbally stated that from dated 13.04.2023, she was forcibly detained in the said house by her family members and they give threatenings, they will kill both.

It is pertinent to mentioned here that after the verbal statement of the Ms. Maman Kaur, then we get free Ms. Maman Kaur from the house of Jaspal Kaur Massi) and proceeded for the Police Station Lehra, when we reached in the Police Station, Lehra, District Sangrur, I recorded the statement of Ms. Maman Kaur in this regard, which is in Punjabi Script (Annexure "A"), in which She has stated that she love with Mr. Deepak, on dated 13.04.2023 when they were ready for Court marriage and reached in the Bus Stand of Budhlada, District Mansa for Chandigarh, respondent No. 4 to 6 and some other family member were reached in the bus stand as they are not happy of her marriage. They forcibly picked from Bus Stand Budhlada and they give the threatening. She further stated that She wants to marry with Mr. Deepak with her own wish.

Thereafter we alongwith petitioner Mr. Deepak and Ms.Muman Kaur proceeded back for Chandigarh and Ms.Muman Kaur, safely go with the petitioner and other family members of Petitioner, who are present outside the Police Station. Petitioner also signed the statement of the Ms. Maman Kaur, alleged detenue in this regard.

Submitted Please.

Dated 17.04.2023

(Satish Grover)
Warrant Officer”

4. As per the said report, detainee, Maman Kaur was found illegally detained but with the help of police, detainee was got released and after recording of her statement and on her wish, she has been allowed to go with petitioner, namely, Deepak.

5. In view of the report of the Warrant Officer, since detainee has already been got released, no other issue is left with this Court to decide. Moreover, counsel for the petitioner is also not present.

6. Accordingly, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

25.05.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No