

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRWP-4506-2023
Decided on : 30.05.2023

Amrik Singh
Versus
State of Punjab and others
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sourabh Singla, Advocate for
Mr. Gaganvir Singh Gill, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

Ms. Harpreet Kaur Arora, Advocate
for respondents No.4 to 7.

1. After hearing the present habeas corpus petition, on 17.05.2023, following order was passed:

“Present: Mr. Gaganvir Singh Gill, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab.

1. At the outset, Ms. Harpreet Kaur Arora, Advocate, puts in appearance on behalf of respondents No.4 to 7, and files her Vakalatnama, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

2. In the present Habeas Corpus petition, on dated 08.05.2023, following order was passed:-

“1. Petitioner-Amrik Singh, aged 23 years has approached this Court for issuance of a writ in the nature of habeas corpus for release and to produce his illegally detained wife namely detenue No.1-Jasleen Kaur, who is major and also his minor son, detenue No.2-Bakhshish Singh, who are illegally detained by respondents No.4 to 7.

2. Counsel for the petitioner submits that petitioner is 8th standard pass and detenue No.1 is 10+2 pass. Both the petitioner and detenue No.1 performed their love marriage on 12.01.2021. It was an inter-caste marriage, which was not acceptable to the parents and other family members of detenue No.1.

Therefore, one CRWP-388-2021 for seeking protection petition was filed by petitioner and detenue No.1, which was disposed of vide order dated 14.01.2021, by directing the Senior Superintendent of Police, Patiala to decide the representation dated 12.01.2021, already submitted to the authorities and then to take necessary action. After the marriage, petitioner and detenue No.1 were staying together happily as husband and wife and one male child was born on 01.11.2022 out of said wedlock.

Still, private respondents were not happy

CRWP-4506-2023

- 2 -

with the marriage of petitioner and detainee No.1.

3. Counsel for the petitioner further submits that on 01.05.2023, petitioner himself went to drop the both the detainees to the house of her parents i.e. respondents No.4 to 7 and now, she is not being sent back to the petitioner and is thus, forcibly detained.

4. To substantiate his submission, counsel for the petitioner submits that petitioner has received one whatsapp message of illegal detention from the mobile phone of detainee No.1, a copy of same has been appended with the petition as Annexure P-6. He also relies upon one video, which has been prepared by the detainee and forwarded to the petitioner, which can be produced, if so directed.

5. Notice of motion for 17.05.2023.

6. 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 both the detainees and if found them in illegal detention, then to get them released immediately after recording statement of detainee No.1-Jasleen Kaur.

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

8. It will be open for the parties to be present before this Court on next date of hearing.”

3. In compliance to the order dated 08.05.2023, report of the warrant officer has been received in a sealed cover, which has been opened in Court today by the Court Secretary. Same is taken on record, office is directed to tag the same at appropriate place in the case file. The relevant part of the aforesaid status report is reproduced as under:-

“Report

For compliance of the orders dated 08.05.2023 passed by Hon'ble High Court, about 7.30 PM I alongwith petitioner reached in the Police Station, Kotwali, Patiala, some Police official and SHO was present in the said Police Station, I disclosed my identity and purpose of my visit. Police officer verbally stated me one complaint already received in the said Police Station.

Police officer made a call to the respondent NO.4 and on his

mobile, after few minutes Respondent No.4 and 5 along with Ms. Jasleen Kaur (alleged detainee) came present in the said Police Station.

I asked the Mr. Sukhbir Singh, Respondent No.4 and other family members who are present in the said Police Station, why they are detained to Ms. Jasleen Kaur. They are denied the allegations made by the petitioner, thereafter Ms. Jasleen Kaur stated that she wants to go with the petitioner and stay with her own wish with Mr. Amrik Singh.

Thereafter Ms. Jasleen Kaur (alleged detainee) give her own statement in the presence of the Petitioner, Police Officials and Respondents No.4 and 5 (which is in Punjabi script, Annexure-A) In which she has stated as under(in short):-

"She was got marriage with Mr. Amrik Singh on 12.01.2021 and having one child (Bakhshish Singh) age about Six months. on dated 01.05.2023 alongwith Son she came to her parental house, but

CRWP-4506-2023

- 2 -

her parent were not allowed to go back her in-laws house, she was pressurized by her parents. Now she alongwith her son wants to go with her husband, with her own wish.

After recording the said statement undersigned request to the SHO, Police Station, Kotwali, Patiala to give Police protection to the Ms. Jasleen Kaur and petitioner to drop them at their residence situated in Village Bathol Khurd, Patiala under the jurisdiction of Passiana Police Station, Patiala and made necessary entry in the Police Station, Passiana, Patiala. Petitioner Mr. Amrik Singh and Ms. Jasleen Kaur along with son go to their residence safely with the police protectoin. Then about 10.30 PM, I proceeded back for Chandigarh.

Submitted Please.

Sd/-

(Satish Grover)

Dated 09.05.2023

Warrant Officer”

4. It is noticed by the Court from the aforesaid status report, as well as the admission of counsel for the petitioner that with the efforts of the Warrant Officer, and also as desired by detenue No.1 – Jasleen Kaur, both detenues and the petitioner are living together happily in the house of the petitioner – Amrik Singh.

5. Still, counsel appearing for respondents No.4 to 7 submits that a petition under Section 125 Cr.P.C. for maintenance is pending consideration before the Court(s) at Patiala for 28.07.2023.

6. Though, the relief claimed in the petition has been fully met with, yet to avoid any future hardships and to know the reason of opposing the relations of the happily staying family i.e. the daughter and maternal grandson of the answering respondents, respondents No.4 & 5 are directed to remain present before this Court on 30.05.2023.”

2. In compliance to the order dated 17.05.20323, respondents No.4 & 5 are today present before this Court and are being identified by their counsel Ms. Harpreet Kaur Arora, Advocate. It has been happily stated by both the parents of the alleged detenue-Jasleen Kaur that they do not have any objection to the relation of their daughter with the petitioner, if they are residing happily together.

3. While referring to the report dated 08.05.2023 of warrant officer, which is reproduced in the previous order dated 17.05.2023 also, counsel for the petitioner submits that statement of alleged detenue has already been recorded and she has happily chosen to stay with the petitioner.

CRWP-4506-2023 - 2 -

4. Moreover, detainee has already been blessed with the child, now is aged about 6 months. This Court has gone through the petition and has also perused the warrant officer report and is of the view that at present, detainee has been got released and staying in the company of petitioner, thus, no cause survives with petitioner to continue with the present petition.
5. Thus, in the absence of any cause, present petition stands disposed of at this stage.
6. Pending application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 30, 2023
k.nain

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