

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

CRWP-6671-2021

Date of Decision:08.02.2023

Nirmal Kumar

...Petitioner

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. J.S Mahal, Advocate
 for the petitioner.

Mr. Vipin Pal Yadav, Additional Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner had filed the instant petition before this Court, seeking direction to respondents No.2 and 3 to recover his daughter namely, Manjinder Kaur, aged 24 years from the alleged illegal custody of respondents No.4 to 6. It was stated that respondent No.4 had allegedly enticed her away and respondents No.5 and 6 are his father and brother, respectively.

Learned counsel submitted that one FIR No.114 dated 14.07.2021 under Section 346 of IPC at Police Station City Patti, District Taran Tarn was also registered in this regard.

Vide order dated 19.07.2021, notice was issued to the official respondents and a Gazetted Officer was directed to file an affidavit in response to the petition stating therein as to what proceedings had been initiated pursuant to the aforesaid FIR and to determine as to whether the alleged detainee was suffering from any kind of mental illness or not, by getting her medically examined from the board of doctors in a Government Hospital.

In compliance of the said order, a short reply by way of affidavit of Deputy Superintendent of Police, Sub-Division Patti, District Taran Tarn was filed on behalf of the official respondents. Learned State counsel submitted that an enquiry into the matter was got conducted from SHO, Police Station City Patti, who further got verified the same through ASI Charan Singh, Incharge Police Post Kairon and during enquiry, it was found that the daughter of the petitioner had performed the marriage with respondent No.4. They also filed a petition before the Court of Learned Sessions Judge, Amritsar with a prayer to grant protection of life and liberty. Vide the order dated 13.07.2021, learned Additional Sessions Judge, Amritsar granted protection to the alleged detainee and respondent No.4 as they claimed that both were major and had performed their marriage against the wishes of their parents. Accordingly, the learned Court directed the Commissioner of Police, Amritsar to provide immediate protection to the couple. Still further, as per the directions of this Court, the alleged detainee, namely, Manjinder Kaur was also produced before Senior Medical Officer, Civil Hospital, Tarn Taran and a medical board comprising of three doctors was constituted on 27.07.2021 and the alleged detainee was medically examined by the board of doctors. While referring to the report Annexure P-2 i.e report of board of doctors. Learned counsel for the State submitted that no gross psychopathology was found present by the board of doctors and the alleged detainee was mentally fit. He further submitted that the alleged detainee Manjinder Kaur was happily staying with respondent No.4 in her matrimonial home and there is no threat to her apparently.

In view of the submissions made by learned State counsel, no further orders are required and the present petition is accordingly disposed off.

08.02.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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