

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRWP-7022-2022

Decided on : 03.03.2023

Mangat Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner(s).

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

SANJAY VASHISTH, J. (Oral)

Petitioner – Mangat Singh and detenue ‘Manjeet Kaur’ are present in-person in Court along with their newly born child.

Present petition was filed by the petitioner – Mangat Singh, aged 30 years, praying for writ in the nature of *Habeas Corpus*, by directing official respondents No.1 to 3, to get released the detenue ‘Manjeet Kaur’, who is legally wedded wife of petitioner – Mangat Singh.

It is pleaded in the petition that detenue ‘Manjeet Kaur’ w/o petitioner – Mangat Singh was abducted by private respondents and detained in their illegal custody during the time when detenue was in a family way. Hence, present petition.

Considering the factum of advance stage of pregnancy of the detenue, this Court passed following order on 05.08.2022:-

“CRM-W-908-2022

Application is allowed, as prayed for.

Leave granted.

Main case

Prayer in the present writ petition filed under Article 226 of

the Constitution of India, is for issuance of writ in the nature of habeas corpus for directing the official respondents to get release detainee Manjeet Kaur who is stated to have been abducted by the private respondents.

Learned counsel appearing for the petitioner contends that the petitioner solemnised marriage with Manjeet Kaur on 09.12.2021 and have been staying together since then. However, on 11.07.2022 when the petitioner along with his family members had gone out in search of work, then Manjeet Kaur wife of the petitioner was forcibly taken away by the private respondents. It is further contended that his wife is at advance stage of pregnancy. He further contends that though he is seeking appointment of warrant officer but at this stage, he would be satisfied in case the SHO, Police Station Makhu, District Ferozepur, is directed to present the detainee Manjeet Kaur before this Court for verification of the said fact. He further contends that in case the averments contained in the present petition are found to be false/incorrect, as per instructions, the petitioner will bear the costs for the same.

Notice of motion.

At this stage, Ms. Amarjit Kaur Khurana, DAG, Punjab, appears and accepts notice on behalf of respondent Nos. 1 to 3.

Learned counsel appearing on behalf of the petitioner undertakes to supply three sets of the paper book to the learned counsel appearing on behalf of the State, during the course of the day.

List on 16.8.2022.

Respondent No.3 - SHO, Police Station Makhu, District Ferozepur, is directed to ensure the presence of detainee Manjeet Kaur before this Court on the date fixed.”

Today, learned State counsel has filed the status report dated 02.03.2023, by way of affidavit of Palwinder Singh, PPS, DSP, Zira, Distt. Ferozepur, on behalf of respondents No.1 to 3, in Court, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate

place.

Para Nos. 3 & 4 of the said status report says as under:-

“3. That in compliance of orders dated 06.02.2023 and 05.08.2022 passed by this Hon'ble Court, it is most respectfully submitted that taking into count sensitivity of the case, initially enquiry into the allegations levelled by petitioner in the present petition was got conducted through ASI Kirpal Singh, Incharge Police Post Jogewala, District Ferozepur and it was found that alleged detenue was living happily with present petitioner Mangat Singh in his house. Accordingly, vide DDR No.32, dated 14.08.2022, necessary intimation regarding pendency of present petition before this Hon'ble Court was given to the detenue by ASI Kirpal Singh for the purpose of her presence before this Hon'ble Court on the date fixed, who reached in the house of petitioner at village Jogewala, District Ferozepur on 14.08.2022, where the detenue was found present in the house and she recorded her statement that her date of birth is 10.12.1999 and being major, on 09.12.2021, she (detenue) performed her marriage on her own sweet will and against the wishes of her parents with petitioner Mangat Singh by way of Christian rites. Now, she (detenue) has been living happily with her husband Mangat Singh (petitioner) in his house at village Jogewala and she is absolutely fine and secured. The detenue further recorded in her statement that at that time, she was pregnant of about 8 months and that is why, her health was not well. The detenue specifically recorded in her statement that she had become aware about the date of hearing in the present case as 16.08.2022 before this Hon'ble High Court, but being pregnant and because of ill health, she could not travel long journey and as such, she was unable to come present in this Hon'ble Court on the date fixed i.e. 16.08.2022. The detenue sought time for her appearance before this Hon'ble Court after the birth of her child to comply with the order of this Hon'ble Court. This statement of detenue was attested by petitioner Mangat Singh. True translated copy of the statement dated 14.08.2022 of the detenue is annexed herewith as Annexure R-1/T.

4. That on 28.08.2022, the detenue has given birth to a child

and she is still living happily with her husband Mangat Singh (petitioner) in his house at Village Jogewala, District Ferozepur. On 19.02.2023, the statement of detenue has been again recorded, where she has stated that out of her marriage with petitioner Mangat Singh, on 28.08.2022, she has given birth to a son through minor operation. Now, she (detenue) is leading happy married life with her husband Mangat Singh without any pressure and there is no interference of anyone in their married life. The detenue further stated that her father Gurmukh Singh is also agreed with her and her mother has expired. Now, she is fine and whole of her parental family is agreed with them and they also use to meet them very well. The petitioner further recorded in her statement that she will be bound to appear in this Hon'ble Court on the date fixed i.e. 03.03.2023. True translated copy of the statement of detenue is annexed herewith as Annexure R-2/T. Similarly, petitioner Mangat Singh has also recorded his separate statement on the same very facts, the true translated copy of the same is also annexed herewith as Annexure R-3/T.”

Petitioner – Mangat Singh, who is present along with his wife detenue – Manjeet Kaur and their newly born child, makes a statement that due to efforts of the villagers and with the help of police officials, his wife was got released from the illegal custody of the private respondents, and now both of them are staying together happily.

However, petitioner submits that all the times there is apprehension of danger to their lives and kidnapping of his wife at the instance of private respondents.

In this view of situation, this Court deems it appropriate to direct to respondents No.2 & 3 i.e. Sr. Superintendent of Police, Ferozepur and SHO, PS Makhu, Distt. Ferozepur, that in future, if any such complaint is made by petitioner or detenue ‘Manjeet Kaur’, same be noticed seriously, and it would be ensured that there is no disturbance or loss of any kind in the

lives of the petitioner, his wife-detenué ‘Manjeet Kaur’ or to their newly born child, so that petitioner may not require to rush to this Court for the similar relief.

With aforesaid observations/directions, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

March 03, 2023
J.Ram

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