

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

CRWP-6243-2023 (O&M)
Date of Decision: 30.06.2023

GAGANDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. J.S. Thakur, Advocate
for Mr. H.P.S. Sidhu, Advocate
for the petitioner.

Mr. Mohit Thakur, A.A.G., Punjab.

Mr. A.K. Khunger, Advocate
for respondents No.4 to 6.

HARSH BUNGER, J. (ORAL)

Petitioner-Gagandeep Singh, has filed this petition, under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *habeas corpus* with a prayer to appoint the Warrant Officer to search the detinue (Sharanjeet Kaur) wife of the petitioner, at the place pointed out by him and thereafter, permit the detinue to go either with the petitioner or any other place as per her wish, keeping in view the facts and circumstances mentioned in the writ petition. Another prayer was made that in the eventuality of non-recovery, direct respondents No.2 and 3 to produce the detinue in the Court so that she be permitted to live as per her wish. A further direction has been sought for directing respondents No.2 and 3 to

provide the security to prevent the life and liberty of the petitioner and another prayer has been made for issuing directions for registration of criminal case against the private respondents, who are alleged to have illegally detained/wrongfully confined the legally wedded wife of the petitioner.

2. Briefly, the petitioner (Gagandeep Singh) has filed this petition with a plea that he is the husband of Sharanjeet Kaur (alleged detainee), who is stated to have been illegally detained by respondents No.4 to 6. Respondent no.4-Jaswinder Singh, is stated to be the father of the detainee, respondent No.5-Daljit Singh, is stated to be the brother of the detainee and respondent No.6-Sukhwinder Singh, is stated to be an uncle of the detainee. It is the case of the petitioner that he and the detainee (Sharanjeet Kaur) were having a love affair and they decided to live together as husband and wife and accordingly, they performed marriage on 19.05.2023 against the wishes of the family of the detainee. It is stated that both, the petitioner (Gagandeep Singh) as well as detainee (Sharanjeet Kaur) were major at the time of marriage and after the marriage, the petitioner and the detainee filed a protection petition before this Court vide **CRWP-5285-2023**(Annexure P-2) and in the meantime, the matter was amicably resolved between the parties. Accordingly, they withdrew the protection petition vide order dated 30.05.2023 (Annexure P-2).As per the petitioner, he and the detainee (Sharanjeet Kaur) were told by the parents of the detainee that they have no objection with the marriage but they wanted to perform all the rituals and ceremonies, so they took the detainee from the house of the petitioner and the matter had been compromised between them.

3. It is the contention of learned counsel for the petitioner and as has been alleged by the petitioner in his petition, the detinue (alleged wife of the petitioner) is being continuously beaten by her family members and they have illegally and forcibly detained the detinue at Village Jodhpura District Fazilka and even her mobile phone is switched off. It is alleged that when the petitioner approached the private respondents for his wife (detinue) then he was given life threats and thus, he has apprehension that the private respondents may kill the detinue and so her life was in danger. Learned counsel further submits that the petitioner has submitted a representation dated 20.06.2023 (Annexure P-3) to the Senior Superintendent of Police, Sri Muktsar Sahib (respondent No2), wherein, he has indicated the fact that his wife has been illegally detained by respondents No.4 to 6 herein and that he apprehends that his wife (detinue) would be eliminated by them.

4. A Co-ordinate Bench of this Court, vide order dated 21.06.2023, issued notice of motion in the present petition and directed respondents No.1 to 3 herein to produce the detinue in the Court on the next date of hearing i.e. 30.06.2023.

5. Today, Mr. Mohit Thakur, Assistant Advocate General, Punjab, has put in appearance on behalf of respondent-State of Punjab and filed a short reply in the form of affidavit of Sh. Balkar Singh, PPS, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib, on behalf of respondents No.1 to 3, in the Court today, which is taken on record, subject to all just exceptions. A copy, thereof, has been supplied to learned counsel for the petitioner.

6. In pursuance to order dated 21.06.2023 passed by this Court, the respondent-State has also produced the alleged detainee (Sharanjeet Kaur) before this Court.

7. Learned counsel for the respondent-State, while referring to para No.3 of the short reply filed on behalf of respondents No.1 to 3-State, submits that Sharanjeet Kaur (alleged detainee) was found present at her home with her family members. Para 3 of the reply *ibid* reads as under :-

“3...Sharanjit Kaur daughter of Jaswinder Singh found present there along with her other family members and she got recorded her statement to the effect that she passed graduation from Bhag Singh Khalsa College, Abohar in year 2023. She further stated that on 19.05.2023, she furnished here affidavit regarding performing her marriage with petitioner and thereafter she went to the house of petitioner Gagandeep Singh, then she came to know that Gagandeep Singh already married and Gagandeep Singh has two children out of her first wedlock. Sharanjit Kaur further stated that she stayed in the house of petitioner on that day due to the night hours and on her asking petitioner Gagandeep Singh left her at the bus stand of Abohar on 20.05.2023 and she came to her parental house at Village Jodhpura and now she is residing with her parents there voluntarily. She further stated that she has no danger from her father Jaswinder Singh, brother Daljit Singh and Uncle Sukhwinder Singh, private respondent no.4 to 6. She further stated that she is living happily in her family. She further stated that she wants to live with her parents. She also stated that Gagandeep Singh performed his marriage with her by concealing his first marriage.”

8. Learned counsel for the respondent-State submits that the petitioner (Gagandeep Singh) has performed marriage with Sharanjeet Kaur

(alleged detainee) by concealing his first marriage; accordingly, Sharanjeet Kaur has submitted a complaint, which is being looked into by the police.

9. I have heard learned counsel for the respective parties; paper book as well as the short reply filed by learned State counsel.

10. This Court has had an interaction with Sharanjeet Kaur (alleged detainee), who has endorsed the fact that petitioner-Gagandeep Singh had performed marriage with her by concealing his first marriage and she came to know the said fact only when she went to his house. It is submitted that petitioner-Gagandeep Singh has two children out of his first wedlock and on 20.05.2023, she came to her parental house at Village Jodhpura and presently, she is residing with her parents voluntarily and she has no danger from her father-Jaswinder Singh, brother-Daljit Singh and Uncle-Sukhwinder Singh. She has further stated that she wants to live with her parents.

11. Keeping in view the afore-mentioned facts and circumstances, since Sharanjeet Kaur (alleged detainee) is voluntarily residing with her parents/family; accordingly, there is no merit in the present petition and the same is, hereby, dismissed.

12. It is noticed that since the petitioner (Gagandeep Singh) is stated to have performed marriage with the detainee (Sharanjeet Kaur) by concealing his first marriage and a complaint already stands submitted by her (Sharanjeet Kaur) to the police (as informed by the learned State counsel), let the afore-said complaint be looked into by the Senior Officer, not below the rank of Deputy Superintendent of Police and the complaint be taken to its logical end.

13. With the above-said observations, the present petition is dismissed.
14. All pending application/s, if any, shall also stand closed.

June 30th, 2023

gurpreet

Whether speaking/reasoned:

Whether reportable:

(HARSH BUNGER)

JUDGE

Yes/No

Yes/No