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

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Decided on : 18.04.2023

Ranbeer 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
assisted by ASI Ram Singh.

SANJAY VASHISTH, J. (Oral)

1. Ranbeer Singh, aged about 42 years, has filed instant petition for issuance of a writ in the nature of *Habeas Corpus*, for the release of detainee 'Simarjit Kaur Sandhu' who is petitioner's wife. It has been pleaded in the petition that the wife of the petitioner has been illegally detained by respondent No.4 – Gurpreet Singh. In fact, respondent No.4 used to come to the house of the petitioner during the time when he was absent and allured the detainee. Thus, detainee is stated to be in illegal custody of respondent No.4.

2. After noticing the submissions on 18.08.2022, following order was passed:-

“Counsel for the petitioner submits that petitioner was married to the detainee on 06.11.2006 and the couple was blessed with two children who are now staying with the petitioner. Counsel for the petitioner further submits that in the year 2012, he went abroad (France) and came back to India in the year 2018. During this period wife of the petitioner

Simranjit Kaur (alleged detainee aged 33 years) was enticed by respondent No.4 and wife of the petitioner has been forcibly detained by him in illegal custody as detainee. It is further contended that both the children are deprived from love and affection of the mother, therefore, in the interest of the minor children, their mother be got released from the illegal custody of respondent No.4.

Notice of motion.

To come upon 20.10.2022.

On the asking of the Court, Mr. Bhupinder Beniwal, AAG, Punjab, appears and accepts notice on behalf of respondent-State.

Let a copy of the present petition along with complete Annexures be supplied to learned State counsel during the course of the day.

Meanwhile, respondent No.3 shall either himself or appoint two other police official who would conduct the summary inquiry and if possible, statement of detainee be recorded and to submit the same on the next date of hearing.

However, it is made clear that if, as per the stand of the detainee, the version raised by the petitioner herein is found false, costs of Rs.10,000/- would be deposited by the petitioner with Legal Aid Services Authority.”

3. Today, learned State counsel has filed the reply dated 18.04.2023, by way of affidavit of DSP, Sub Division Sunam, Distt. Sangrur, on behalf of respondents No.1 to 3. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

4. While referring to para Nos. 2 & 3, learned State counsel submits that no issue is left in the petition to decide, rather, keeping in view the statement of alleged detainee ‘Simarjit Kaur Sandhu’, recorded during the course of inquiry, as directed by this Court, petition is liable to be dismissed.

Learned State counsel also submits that there are three criminal cases against the petitioner, pending investigation or under trial.

5. Para Nos. 2, 3 & 4 of the aforesaid reply are reproduced hereunder:-

“2. That pursuant to the said order, it is submitted that, on the receipt of copy of said petition, inquiry with regard to the allegations levelled by the petitioner in the present petition, was got conducted through S.H.O, P.S, Longowal, who further got the matter inquired through A.S.I. Gian Singh, who recorded the statement of Simrit Kaur Sandhu W/o Ranbeer Singh Sandhu r/o village Dhadhrian, P.S, Longowal, now near Max hotel, Bahinda road, Shri Muktsar Sahib, who stated that, "In the year of 2006, my marriage was solemnized with Ranbir Singh Sandhu s/o Buta Singh r/o Dhadrian. Two children were born from this wedlock i.e. elder is son Amritpal Singh aged about 15 year and younger to him is girl Amnoorjeet Kaur aged about 10 year. My husband Ranbir Singh used to beat me. Due to fed up at the hands of my husband, I had filed CRWP No. 5680 of 2022 in the Hon'ble Punjab and Haryana High Court seeking the protection of my life and liberty and I did not want to live with my husband Ranbir Singh, and I mentioned about living with Gursewak Singh @ Gurpreet Singh @ Kali s/o GurdevSingh r/o Shivpur Kukrian in relationship with my free will. I produced herewith photo copy of CRWP No. 5680 of 2022 and affidavit with regard to live-in-relationship. Even at present I am living with Gursewak Singh @ Gurpreet Singh @ Kali r/o Bathinda Road, Muktsar Sahib with my free will". True translated copy of statement of Simariit Kaur is annexed as Annexure R-1/T.

Apart from this, statement of Gursewak Singh @ Gurpreet Singh @, Kali s/o Gurdev Singh r/o village ShivpurKukria, P.S. Sadar Muktsar was recorded, wherein, he stated that, "My marriage was solemnized with Baljit Kaur d/o

Mukhtiar Singh Fauji r/o village RamawaliPatili, District Ganganagar about 11 years ago. I have Two children ie. elder is daughter Harmanpreet Kaur aged about 8 years and younger to her is son Jaskaran Singh aged about 7 years. About 4 years ago, I had acquainted with Simarjit Kaur w/o Ranbir Singh r/o village Dhadrian, District Sangrur through facebook. Due to which, we made friendship with each other. About 2 years ago, Simarjit Kaur, who was fed up at the hands of her husband, started to live-in-relationship with me, with her free will. An affidavit with regard to living with me in relationship furnished by Simarjit Kaur, I produced the photo copy of same before you. I have not kept Simarjit Kaur under any kind of pressure". True translated copy of statement of Gursewak Singh @ Gurpreet Singh @ Kali is annexed as Annexure R-2/T.

After conducting inquiry, S.H.O., P.S. Longowal submitted report vide No.1820/5A dated 17.10.2022 that from the inquiry, it has been found that due to harassment at the hands of her husband, Simarjit Kaur is living with above said Gursewak Singh @ Gurpreet Singh @ Kali. Gursewak Singh @, Gurpreet Singh @ Kali has not kept Simariit Kaur with him under any kind of pressure. Simarjit Kaur and Gursewak Singh @ Gurpreet Singh @, Kali are living in relationshipwith their free will and wishes. True translated copy of report of S.H.O., P.S, Longowal is annexed as Annexure R-3/T.

3. *That from the facts emerged during inquiry and report submitted by S.H.O, P.S, Longowal, it has been found that due to harassment at the hands of her husband, Simarjit Kaur is living with above said Gursewak Singh @ Gurpreet Singh @ Kali and he has not kept Simarjit Kaur with him under any kind of pressure. Simarjit Kaur and Gursewak Singh @ Gurpreet Singh @, Kali are living in relationship with their free will and wishes.*

4. *THE PETITIONER RANBEER SINGH IS A CRIMINAL TYPE OF PERSON, AGAINST WHOM, THREE CRIMINAL CASES ARE FOUND TO HAVE BEEN*

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REGISTERED, DETAIL OF THESE CASES AND STATUS THEREOF IS GIVEN AS UNDER:

Sr. No.	FIR No., date, offence, name of Status of the case P.S.
1.	FIR No.155, dated 26.08.2021 Under trial u/s 379, 384, 420, 120-B IPC, P.S. Julka, District Patiala
2.	FIR No.05, dated 14.01.2023, Under investigation u/s 384, 342, 420, 467, 468, 471, 120-B IPC, PS Nabha, District Patiala
3.	FIR No.89, dated 10.08.2021 u/s 420 IPC and Section 13 of Punjab Travel Professional Act 2014 and Section 10 of Immigration Act, P.S. Longowal

As per the detailed fact submitted above, the answering deponent is filing the present reply, in compliance with order dated 02.03.2023, for the kind consideration of this Hon’ble Court.”

6. Statement dated 06.10.2022, of alleged detenue ‘Simarjit Kaur Sandhu’ appended alongwith aforesaid reply as Annexure R-1/T, is also reproduced hereunder:-

“Statement of Simarjit Kaur Sandhu w/o Ranbir Singh Sandhu r/o village Dhadrian, P.S., Longowal, now residing near Moksh Hotel, Bathinda Road, Shri Muktsar Sahib, aged about 33 years, mobile No.95921-85072

Stated that I am resident of above given address. I do the work of home care. In the year of 2006, my marriage was solemnized with Ranbir Singh Sandhu s/o Buta Singh r/o Dhadrian. Two children were born from this wedlock i.e. elder is son Amritpal Singh aged about 15 year and younger to him is girl Amnoorjeet Kaur aged about 10 year. My husband Ranbir Singh used to beat me. I fed up at the hands of my husband, due to which I had filed CRWP No. 5680 of 2022 in the Hon’ble

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Punjab and Haryana High Court seeking the protection of my life and liberty, as, I did not want to live with my husband Ranbir Singh, and I mentioned about living with Gursewak Singh @, Gurpreet Singh @ Kali s/o Gurdev Singh r/o Shivpur Kukrian in relationship with my free will. I produced herewith photo copy of CRWP No. 5680 of 2022 and affidavit with regard to live-in-relationship. Even at present I am living with Gursewak Singh @ Gurpreet Singh @ Kali r/o Bathinda Road, Muktsar Sahib with my free will.

Sd/- Simarjit Kaur Sandhu

Attested

Sd/- Gian Singh A.S.I.

P.S., Longowal,

Dated 6.10.2022”

7. Although, there is no representation on behalf of the petitioner today also, yet considering the reply filed by the State, I do not find any substance or truth mentioned in the petition. Moreover, as per the statement of the alleged detainee, recorded by the police, the helpless situation has been expressed by her stating therein that she is fed-up at the hands of her husband i.e. petitioner.

8. In view of the above, there is no substance in the present petition, thus same stands dismissed. However, issue of cost indicated in the order dated 18th August, 2022, need not to be revived, once petition has been dismissed on the basis of reply filed by the State.

(SANJAY VASHISTH)
JUDGE

April 18, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No