

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

CRWP-7502-2023 (O&M)
Date of Decision: 01.08.2023

Suman Sekhri

....Petitioner

Versus

Union Territory, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Daljit Kaur, Advocate, and
Mr. Anil Bansal, Advocate, for the petitioner.

Mr. A.M. Punchhi, Public Prosecutor, with
Mr. Anupam Bansal, APP, U.T., Chandigarh

Mr. C.M. Munjal, Advocate, for respondent Nos. 4 & 5.

HARNARESH SINGH GILL, J. (Oral).

On 28.07.2023, this Court, passed the following order:-

“Prayer in the present petition under Article 226 of the Constitution is for issuance of a writ in the nature of Habeas Corpus directing respondents No.2 and 3 to get released detenue, namely, Promila (mother of the petitioner), from the illegal confinement of the respondents No.4 and 5 (son and daughter-in-law of the detenue).

Learned counsel for the petitioner submits that the mother of the petitioner is 86-year old; that she is presently illegally detained by respondents No.4 and 5 in a secluded dirty room; that as per the medical record dated 28.07.2023 of the Max Healthcare Hospital, Mohali, which is based on the earlier report/record, the detenue is suffering from Brain Tumor and requires an immediate medical examination and further

management, monitoring of BP and continuity of RX; that the petitioner made numerous efforts to meet her mother in order to provide her better living and medical treatment, but respondents No.4 and 5 are not allowing her to meet the detenue despite the fact that she is ready to pay the entire expenses.

It is further submitted that with a view to grab the property of her mother, respondents No.4 and 5 are not giving any access of the detenue to anyone including the petitioner and if the indulgence sought for is not granted, the detenue will continue to bear the barbaric and inhuman treatment at the hands of respondents No.4 and 5, which may lead to the death of the detenue at any time. Alternatively, it is submitted that the detenue is in the urgent need of medical attention and therefore, her custody is required by the petitioner, being her real daughter and as mentioned above, the petitioner has been coming all along from Nurmahal, District Jalandhar, to see her mother and provide her medical attention and proper care, but she is not allowed to meet the detenue.

Notice of motion for 07.08.2023.

On the asking of this Court, Mr. AM Punchhi, PP UT Chandigarh accepts notice on behalf of respondents No.1 to 3-UT Chandigarh.

Copy of the paper book along with annexures be supplied to the learned counsel for UT Chandigarh during the course of the day.

As the matter pertains to an urgent and immediate medical attention to be granted to an old and aged mother of the petitioner, this Court finds it a fit case to direct the Senior Superintendent of Police,

Chandigarh, to depute a Gazetted officer along with a lady constable for visiting the house of respondents No.4 and 5 and make an enquiry as to whether detenue, namely, Promila, is residing there with her own consent or has been detained by them illegally or forcibly. Health condition of the detenue shall also be seen and if it seems that the detenue is not in a good health, then she be immediately shifted to Max Healthcare Hospital, Mohali today itself i.e. 28.07.2023.

The petitioner along with respondents No.4 and 5 shall be allowed to accompany the detenue to the said hospital.

A detailed report be submitted before this Court on 07.08.2023.”

Now, CRM-W-1126-2023 has been filed by respondent Nos. 4 and 5, for modification and clarification of the order dated 28.07.2023.

Be that as it may. With the consent of the counsel for the parties, the date of hearing in the main case is preponed from 07.08.2023 to that of today.

Detenue-Promila is an old and aged mother of the petitioner and respondent No.4 and mother-in-law of respondent No.5. The dispute is regarding the ill-health of the detenue and as to who is to look after her and take care of her medical treatment.

Rival claims have been put forth by the petitioner on the one hand and respondent Nos. 4 and 5 on the other.

At this stage, learned counsel for respondent Nos. 4 and 5 contends that the said respondents have no objection in case, detenue-Promila, is taken care of and looked after by the petitioner and her all medical expenses are borne by the petitioner. He,

however, submits that the petitioner must give an undertaking that during the period, the detenue remains in her company, the petitioner would not misuse the signatures/thumb impressions of the detenue, for any purpose.

Learned counsel appearing for the petitioner, do not have no objection to the said proposal.

Mr. A.M. Punchhi, learned Public Prosecutor for U.T., Chandigarh, submits that the Police has done the necessary compliance of the order dated 28.07.2023 passed by this Court. It is further submitted that on receipt of a copy of the order dated 28.07.2023, the police had immediately shifted the detenue to Max Healthcare Hospital, Mohali, where she is still under treatment. He further submits that as the petitioner and respondent Nos. 4 and 5, have now settled the matter between themselves, the police has no further role to play and therefore, he seeks indulgence of this Court, to dispense with the filing of any report, as directed in the order dated 28.07.2023. Ordered accordingly.

As the petitioner has accepted the proposal put forth on behalf of respondent Nos. 4 and 5 that she would not misuse the signatures/thumb impressions of the detenue, while the detenue remains in her company, no further orders are called for in the present petition.

It is, however, made clear that in case the detenue wants to join the company of respondent Nos. 4 and 5 at any stage, she would be free to do.

Disposed of.

01.08.2023
ds

(HARNARESH SINGH GILL)
JUDGE

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