

CRWP-7850-2023

--1--

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRWP-7850-2023
Date of Decision: August 16, 2023

Kulwinder Kaur

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ankush Rampal, Advocate for
Mr. Joginder Pal Devgan, Advocate for the petitioner(s).

Mr. Anup Singla, Asst. A.G. Punjab

Mr. Vishal Goel, Advocate for detenue-Prabhjot Kaur

ANOOP CHITKARA J. (ORAL)

Seeking release of her daughter-Prabhjot Kaur, the mother-Kulwinder Kaur has come up before this Court under Article 226 of the Constitution of India.

2. Counsel appearing on behalf of the detenue submits that the alleged detenue is major and she is living with respondent No.5 with her own sweet will and there is no restriction on her.

3. Counsel for the petitioner submits that detenue is under threat and her version as so made is under undue influence or coercion. He further submits that petitioner be permitted to meet her.

4. Given above, the present petition is disposed of with a direction to the State to produce the detenue-Prabhjot Kaur before concerned Judicial Magistrate on 18.08.2023, preferably a female officer, who shall interact with her.

After such interaction, it is for the Judicial Magistrate's either to record her

CRWP-7850-2023

--2--

statement under Section 164 Cr.P.C. or simply to pass an order to the effect about her liberty. Needless to say, that the detainee is an adult and she has a right to live at a place or with person of her choice and none including the State has any right or business to interfere in her personal life. After recording the statements of detainee, concerned Magistrate shall allow petitioner to meet the detainee for a short period of 30 minutes.

5. In case, the Judicial Magistrate finds that detainee is in illegal detention and residing with respondent No.5 under any pressure, threat or coercion, in that eventuality, the concerned Magistrate set her free and allow her to go to the place of her choice and provide security, in case, Magistrate so desires. Security shall be for that time period which the concerned Judicial Magistrate might deem appropriate.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Convict can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

(ANOOP CHITKARA)
JUDGE

August 16, 2023
sonia arora

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