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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-9017-2023
Date of decision: 03.10.2023

JASWANT SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of Habeas Corpus for producing the father of the petitioner, namely, Gurnam Singh son of Arjan Singh, who has been forcibly taken away by respondent No.4 in front of the police officials against his wishes.

2. Learned counsel for the petitioner submitted that the petitioner is brother of respondent No.4 and the father of the petitioner, namely, Gurnam Singh was staying with the petitioner but he has been forcibly taken away by respondent No.4 on 15.12.2022 against his wishes since there was a property dispute between the brothers and the father of the petitioner is 85 years old.

3. Status report has been filed by way of affidavit of Deputy Superintendent of Police, Attari, Amritsar Rural by learned State counsel in Court today, which is taken on record. Copy has been supplied to learned counsel for the petitioner.

4. This Court while issuing notice of motion on 13.09.2023 had directed that it is expected that the police officials in the supervision of concerned Assistant Commissioner of Police, while tracing out the father of the petitioner shall have due regard to the age of the father of the petitioner and shall treat him with due respect and the voluntariness and wishes of the father of the petitioner shall be ascertained without any discomfort caused to the old man of the age of 85 years and status report be filed.

5. Learned State counsel while referring to the aforesaid affidavit filed by Deputy Superintendent of Police, Attari, Amritsar Rural submitted that the DSP along with ASI Agyapal Singh, In-charge Police Post Kahangarh, Police Station Gharinda, Amritsar had visited the house of the father of the petitioner, namely, Gurnam Singh on 25.09.2023 but he was not found present at home. Respondent No.4 was present there and stated that his father, namely, Gurnam Singh lives with him at Amritsar. Thereafter, on 27.09.2023, the statement of the father of the petitioner was recorded with due respect and as per his wish and will and without causing any kind of discomfort to him and he has stated that he has two sons, namely, Jaswant Singh, who is the present petitioner and Ranjit Singh, who is respondent No.4 and he wants to live with his younger son i.e. respondent No.4-Ranjit Singh and currently he is living with respondent No.4, on his own wish. Learned State counsel further

submitted that in view of the aforesaid position, the present writ in the nature of Habeas Corpus does not survive.

6. In view of the aforesaid facts and circumstances where in pursuance of the directions issued by this Court on 13.09.2023, the Deputy Superintendent of Police, Attari, Amritsar Rural and ASI had got recorded the statement of the father of the petitioner, namely, Gurnam Singh who is of the age of 85 years that he wishes to stay and live with respondent No.4, nothing survives in the present petition.

7. Consequently, the present petition is hereby dismissed.

03.10.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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