

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

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**CRWP-10151-2022 (O&M)
Decided on : 23.02.2023**

Gurmeet Singh and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rahul Bhargava, Advocate for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab,
for respondents No. 1 to 3.

Mr. Sukhwinder Singh Kainth, Advocate
for respondent No. 6.

SANJAY VASHISTH, J. (Oral)

Petitioner- Gurmeet Singh, aged about 21 years has sought issuance of a writ in the nature of habeas corpus directing the officials respondents to get detainee, namely, Parvinder Kaur d/o Karnail Singh w/o petitioner, released from the illegal custody of respondents No. 4 to 8.

After issuance of notice of motion, it was noticed that already one FIR has been registered against the petitioner and statement of detainee, under Section 164 Cr.P.C. has been recorded therein.

Today reply dated 23.2.2023 by way of affidavit of Sandeep Wadehra, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana, has been filed by learned State counsel on behalf of respondents No. 1 to 3. Same is taken on record. Registry is directed to tag the same at appropriate place.

Relevant paragraph No. 2 of the said reply says as under:

“2. *That thereafter the alleged detainee came home and her Statement u/s 164 Cr.P.C. was got recorded before the Ld. Magistrate on 28.10.2022 and her Statement u/s 161 Cr.P.C. was also recorded in which the alleged detainee stated that she had gone with the present petitioner but*

there the petitioner illegally confined her in a room and two brothers-in-law and two sisters of the petitioner had threatened her. Accordingly they were nominated as accused and offence u/s 506, 120-B IPC have also been added. However, the petitioner and his four co-accused are yet to be arrested in the said FIR and further investigation is being conducted.

Thus, the alleged detainee has not been illegally confined by the private respondents and rather she is residing with them with her own sweet wish.

Hence, the present petition is liable to be dismissed on this ground alone.”

In view of statement of detainee recorded under Section 164 Cr.P.C. as mentioned in the reply submitted by the State counsel, nothing survives in the present petition to decide, therefore, present petition stands disposed of.

Disposed of.

(SANJAY VASHISTH)
JUDGE

23.02.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No