

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

CRWP-9740-2023

Date of decision: 29.09.2023

GURPREET KAUR

....Petitioner.

Versus

STATE OF PUNJAB AND OTHERS

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gaurav Sharma, Advocate for the petitioner.

SANJIV BERRY, J.(ORAL)

The present petition under Article 226 of the Constitution of India has been preferred by the petitioner for issuance of a writ, order or direction to respondents No.1 to 3, especially in the nature of Habeas Corpus to release the detainee from the illegal detention of respondent No.4 and his other family members.

2. It is, *inter alia*, contended by learned counsel for the petitioner that from the wedlock of petitioner and respondent No.4, son namely Manraj Singh was born on 31.07.2020 besides one female child namely Divnoor Kaur born on 25.06.2022. Learned counsel for the petitioner further submits that there had been matrimonial discord between the petitioner and respondent No.4. Respondent No.4 had turned out the petitioner from the matrimonial house on 10.09.2023 while forcibly keeping a minor son in his

CRWP-9740-2023**-2-**

custody. He further submits that the matter was reported to the police but no action was taken thereon. He submits that representation dated 15.09.2023 (Annexure P-2) was also moved to respondent No.2- Senior Superintendent of Police, Gurdaspur, but till date no action has been taken thereon. Learned counsel for the petitioner further contends that the petitioner will be satisfied for the purpose of this petition, if the directions are issued to respondent No.2- Senior Superintendent of Police, Gurdaspur, to consider and dispose of the representation dated 15.09.2023 (Annexure P-2) in an expeditious manner after hearing the petitioner.

3. Notice of motion.

4. On the asking of the Court, Ms. Swati Batra, DAG, Punjab, accepts notice on behalf of the State-respondents No.1 to 3.

5. After considering the respective submissions and keeping in view the contentions raised by learned counsel for the petitioner limiting the present petition only to the extent of issuance of direction to respondent No.2-Senior Superintendent of Police, Gurdaspur, to consider and decide the representation dated 15.09.2023 (Annexure P-2) in an expeditious manner, without commenting on the merits of the case, the present petition is disposed of with the direction to respondent No. 2- Senior Superintendent of Police, Gurdaspur, to consider and dispose of the representation dated 15.09.2023 (Annexure P-2) after giving an opportunity of being heard to the petitioner, in an expeditious manner in accordance with law preferably within a period of three weeks from today.

- 6. Decision so taken be conveyed to the petitioner.
- 7. Disposed of.

(SANJIV BERRY)
JUDGE

29.09.2023
kanika

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |