

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

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**CRWP-10781-2022 (O&M)
Decided on : 25.01.2023**

Saranjit Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. G. S. Bajwa, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Instant petition has been filed in the nature of habeas corpus to set free the detainee- namely, Romy Kaur from illegal custody of respondent No. 4.

Petitioner- Saranjit Singh has pleaded that detainee Romy Kaur is his legally wedded wife and from the said wedlock, two sons and one daughter were born. Said children are in the custody of petitioner-Saranjit Singh.

In the petition, it is also pleaded that on 30.08.2022, respondent No. 4-Gurlal Singh alongwith two unknown persons and a lady at about 2.00 AM in the intervening night, entered the village of the petitioner, but on being chased by the co-villagers, they succeeded to fled away from the spot.

It is also pleaded that Rs. 50,000/- had been given by the petitioner to his wife Romy Kaur on 02.09.2022 for giving to a customer and after going to sleep alongwith his family, Gurlal Singh (respondent No. 4) alongwith 3 unknown persons came on two motorcycles and under the conspiracy, they threatened the old aged mother of petitioner and locked her in a room and thereafter, abducted petitioner's wife Romy Kaur.

Status report dated 10.01.2023 has been filed on behalf of respondents No. 1 to 3, wherein it is explained that due to matrimonial dispute between the petitioner and detainee Romy Kaur, she left the matrimonial house in the intervening night of 2/3.9.2022 at 03.00 AM and joined the company of her friend Gurlal Singh (respondent No. 4) on her

free will and consent.

Relevant paragraph No.3 says as under:

“3. That in his aforesaid report dated 09.12.2022, the respondent No. 3 has reported that pursuant to the filing of a representation No. 3560-PP dated 23.07.2022 and 4597-PP dated 12.09.2022 by the petitioner, the matter has been enquired into through ASI Manjit Singh, Incharge of the Police post Kukkaranwala, Police Station Rajasansi, Amritsar (Rural), who had personally visited the house of the petitioner and the respondent No.4 and recorded their respective statements and the statement of the alleged detainee Romi Kaur. It has been further reported that after open and secret enquiry, it has been found that the alleged detainee Romi Kaur (wife of the petitioner) was having a matrimonial dispute with the petitioner and due to that reason, she had left his house on 08.07.2022 on her own will. Thereafter, she returned to her matrimonial house after 10-12 days but again in the intervening night of 2/3.09.2022 at about 03:00 AM, she left the matrimonial house and went with her friend Gurlal Singh (respondent No.4) due to having matrimonial differences with the petitioner and since then, she is living in the house of the respondent No.4 with her consent and will being an adult lady. The allegations of the petitioner against the respondent No.4 relating to enticing of the wife alleged detainee Romi Kaur as well as against and alleged detainee Romi Kaur for taking away of Rs. 50,000/- and gold ornaments are not proved during the enquiry.”

Although there is no representation on behalf of the petitioner, yet this Court has considered the explanation given in the status report by respondents No. 1 to 3 (State) and is of the view that the case pleaded in the petition by the petitioner is misconceived because as per the response filed by the State, detainee Romy Kaur, who is a grown up lady has herself left her matrimonial home due to disturbed atmosphere and has joined the company

of her friend. As per status report filed by the State, no truth is found in the grounds pleaded by petitioner, therefore, same is dismissed.

(SANJAY VASHISTH)
JUDGE

25.01.2023

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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>