

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

214

CRWP-11471-2022 (O&M)

Decided on : 09.01.2023

Rawinder Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Surinder Thakur, Advocate
for the petitioner(s).

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

Mr. Bikramjit Singh, Advocate for respondent No. 6.

SANJAY VASHISTH, J. (Oral)

Order dated 13.12.2022 passed by this Court says as under:

*“Prayer in this petition, filed under Article 226 of
the Constitution of India, is for issuance of a writ in the
nature of Habeas Corpus.*

*Counsel for the petitioner submits that after
performing the marriage with detenue-Kawalpreet Kaur,
both of them had filed protection petition i.e. CRWP-1844-
2022 and same was disposed of by directing the respondent
No.2-Senior Superintendent of Police, Police District Batala
to decide representation of petitioner and to take necessary
action as per law.*

*Counsel for the petitioner further submits that on
realising that at the time of marriage, alleged detenue was
not major, she was taken to the Nari Niketan by the
authorities and from there the detenue (petitioner's wife)*

was got released by her parents, and since then she is being kept forcibly against her wish, by respondents No.4 to 6, in the house of respondent No.6.

While making submission, counsel also refers to Para No.4 of the present petition, wherein he has stated that on telephonic talks, detenue from her mobile No.8725910969 has talked to the petitioner on mobile no.9878789217 on 29.11.2022 at 9:27 AM, and thereafter on 30.11.2022 at 9:21 AM, and thereafter on 01.12.2022 at 9:31 AM and lastly on 02.12.2022 at 5:20 PM, and every time she expressed her bad plight and atrocities being committed upon her physically and mentally by respondent No.6 in connivance with respondents No.4 and 5. Even detenue (Kawalpreet Kaur) has told him that she is fed up now and would commit suicide some day.

Notice of motion for 09.01.2023.

On asking of the Court, Mr. A.S. Sandhu, AAG, Punjab, accepts notice on behalf of official respondents No.1 to 3 (State). Let requisite copies of complete paper book be supplied to him during course of the day.

In the meantime, Registry is directed to appoint a Warrant Officer, on payment of usual charges, who will visit the place(s) of alleged detention of detenue and if found in illegal detention, after verifying her age to be now as major, get her released immediately after recording her statement.

Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court.”

Resultantly, report of Warrant Officer, dated 15.12.2022 which is attached in seal cover with the petition, is opened and perused.

Said report says as under:

“As desired by the petitioner, the undersigned along with Sh. Rawinder Singh, petitioner and Sh. Deepak Sharma reached at Police Station Ghuman Kalan, District Gurdaspur, Punjab on 14.12.2022 at about 11:50 A.M., with regard to releasing Ms. Kawalpreet Kaur, detenue mentioned in Crl. Writ Petition No.11471 of 2022 from the illegal custody of respondent Nos.4 to 6. Sh. Vishav Nath, SHO was present in the Police Station. I apprised him about the purpose of my visit. Entry was made in the Roz Namcha on Computer, vide General Diary No.013 (Annexure 'R-1'). Thereafter, the undersigned along with petitioner as well police party Sh. Satnam Singh, ASI and Ms. Rajbir Kaur, Lady Constable conducted raid at the residence of respondent No.6 Sh. Rocky resident of Village Kalle, Near Ghuman. At the time of visit, Sh. Rocky, his mother and Ms. Kawalpreet Kaur were present in the house. On asking, Ms. Kawalpreet Kaur has given her statement in the presence of police party at Annexure 'R-2, wherein she has stated that she got love marriage with Sh. Rawinder Singh (petitioner) on 25.02.2022 at her own will and she was

resided with Sh. Rawinder Singh at about 2 months and Narl Niketan, Jalandhar at about 1 month. Thereafter, her parents take her to her Village at Bhagatpur and their parents solemnized her marriage with Sh. Satbir Singh Rocky in the month of November, 2022 without her will. She has further stated that she is above 18 years old and her date of birth is 10.02.2002, as per her Aadhaar Card No.2526 7652 2870 at Annexure 'R-3' (the photocopy of the same has been provided by Sh. Rawinder Singh, petitioner) and no other proof was available with her. She has also stated that she does not want to reside there, as she was harassed by her mother-in-law and she wants to go with Sh. Rawinder Singh, petitioner, immediately. In the end, she has stated that she has given her statement at her own will. Statement of Sh. Rawinder Singh, petitioner may kindly be perused at Annexure 'R-4'. Statement of police party i.e. Sh. Satnam Singh, ASI and Ms. Rajbir Kaur, Lady Constable may kindly be perused at Annexure 'R-5' Entry was made in the Roz Namcha on Computer, vide General Diary No.016 dated 14.12.2022 Annexure 'R-6' Notice on behalf of respondent No.4 to 6 served to the quarter concerned. In the meantime, the parents of Ms. Kawalpreet Kaur were also reached at the police station. Thereafter, in the presence of the police party and parents of Ms. Kawalpreet Kaur, she had gone with Sh. Rawinder Singh, petitioner at her own will. Hence after satisfaction of Sh. Rawinder Singh, petitioner the

undersigned proceeded back to Chandigarh.

Report is submitted for kind perusal please!”

In view of the fact that detainee has also been got released from illegal detention and has further joined the company of the petitioner. Therefore, learned counsel for the petitioner submits that petitioner is not interested in pursuing with the present petition and seeks permission to withdraw the same.

Dismissed as withdrawn.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

09.01.2023

Riya

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