

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

280

CRWP-10581-2023 (O&M)
Date of decision: 15.11.2023

AMNINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. C.S. Rana, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG Punjab.

KULDEEP TIWARI. J.(Oral)

The instant petition has been filed, invoking the writ jurisdiction of this Court under Article 226 for issuance of writ of Habeas Corpus for producing the alleged detainee namely, Amandeep Kaur, daughter of Nirmal Singh.

2. In the instant petition, it is alleged that Amandeep Kaur is legally wedded wife of Amninder Singh (present petitioner) and she has been illegally detained by private respondents No.6 and 7.

3. On the last date of hearing, following order was passed:-

“The petitioner Amninder Singh has filed Criminal Writ Petition under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus, directing the respondents No.1 to 5 to release the detainee namely Amandeep Kaur, allegedly his wife who is in illegal custody of respondent Nos. 6 and 7.

At this stage, Mr. Rajinder Singh Bhatia, Advocate, has appeared and filed memo of appearance on behalf of girl, namely, Amandeep Kaur. He seeks time to file vakalatnama.

Notice of motion.

On the asking of this Court, Mr. IPS Sabharwal, DAG, Punjab,

accepts notice on behalf of the State. He has also pointed that the girl has already given her statement before the police that she is residing with her parents with her free consent.

Let, status report be filed by the State counsel as well as vakalatnama and reply by the counsel appearing on behalf of the girl, namely Amandeep Kaur. Copy of the petition be supplied to the State counsel during the course of the day.

Adjourned to 15.11.2023 for filing status report.

Learned counsel appearing on behalf of the girl-Amandeep Kaur, is directed to produce the girl in the Court on the next date of hearing.”

4. In compliance of the last order, Mr. Rajinder Singh Bhatia, Advocate has caused appearance on behalf of the alleged detainee, Amandeep Kaur and placed on record a duly executed Power of Attorney in his favour. The alleged detainee was produced before this court and she was identified by her counsel and also by the Investigating Officer namely ASI Gurbaksh Singh, Police Station Jalalabad.

5. The statement of alleged detainee Amandeep Kaur, was recorded on Oath and in her statement she categorically denied the solemnization of marriage with the petitioner and she further submits that she is happily living with her parents with her free will.

6. An affidavit sworn by her dated 15.11.2023 is also placed on record by counsel for the alleged detainee, Amandeep Kaur, which is taken on record.

7. The learned State counsel has filed status report by way of an affidavit of Sh. Achhru Ram Sharma, PPS Deputy Superintendent of Police, Sub Division, Jalalabad on behalf of respondents No.4 and 5. The status report reveals that Amandeep Kaur is about 27 years of age and it further reveals that Amandeep Kaur is living voluntarily with her parents and before the Police also, she denied the factum of solemnization of marriage with the petitioner.

8. Learned counsel appearing for Amandeep Kaur submits that in fact all the documents are forged documents, which are attached by the petitioner with the instant petition.
9. Considering the above facts and circumstances, this Court do not find that Amandeep Kaur is illegally detained by respondents No.6 and 7, therefore no further action is required in the instant petition and the same is accordingly dismissed.
10. This Court, at this stage, is not making any observation with regard to the authenticity and legality of solemnization of marriage and the document appended with this instant lis, leaving both the parties to take appropriate legal recourse before the appropriate forum.
11. Accordingly, the instant petition is disposed of.

15.11.2023
amandeep

(KULDEEP TIWARI)
JUDGE

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