

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRWP-11881-2022 (O&M)
Decided on : 22.05.2023

Jonti Khare

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Gurvir Kaur Gill, Advocate for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab

Mr. Mandeep K. Sajjan, Advocate for respondents No. 4 to 8.

SANJAY VASHISTH, J. (Oral)

1. By way of present habeas corpus petition, petitioner has prayed for releasing of his legally wedded wife, namely, Payal Bhargav, who has been illegally detained by respondents No. 4 to 8.

2. On 16.12.2022, notice to respondents was issued and direction was also issued to respondent No. 2 i.e. Senior Superintendent of Police, Fazilka to get recorded the statement of alleged detainee.

3. Status report was filed before this Court and thereafter, on 31.01.2023, following order was passed by this Court:-

*“Present: Ms. Gurvir Kaur Gill, Advocate
for the petitioner(s).*

Mr. Anmol Singh Sandhu, AAG, Punjab.

*Mr. Mandeep K. Saajan, Advocate with
Ms. Suman Kumari, Advocate
for respondents No.4 to 8.*

In compliance to order dated 16.12.2022, status report dated 30.01.2023 by way of affidavit of Bhupinder Singh, PPS, SSP, Fazilka, on behalf of respondents No.1 to 3, has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at

appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Para Nos. 5, 6 & 7 of the said status report says as under:-

“5. That it is humbly submitted that in pursuance of above referred directions, respondent No.3 S.H.O. P.S. City, Fazilka was directed to get the statement of alleged detainee, recorded as per directions of this Hon’ble Court. Accordingly, ASI Jagdish Singh 981/Fazilka along with police party visited the residence of respondent No.4 at Rai Singh Nagar District Sri Ganganagar (Rajasthan) where respondent No.4 told the police party that the alleged detainee is out of station, therefore, the police party came back. 6. That it is respectfully submitted that on 29.12.2022, the alleged dedtenuue Payal Bhargav along with her parents came present at police s tation, City Fazilka, in the presence of Woman Constable Rajwinder Kaur 1134/Fzk, reasonable time was afforded to the alleged detainue to think over the issue freely before getting her statement recorded. Therefore, the alleged detainue out of her free will and consent, voluntarily got recorded her statement with the police. In her said statement, the alleged detainue categorically stated that on 02.11.2022, petitioner had taken her from school to Fazilka. Subsequently both of them solemnized marriage at Bathinda. On 05.12.2022, Rajasthan police took her from the house of petitioner and recorded her statement before S.D.M., Rai Singh Nagar wherein she stated that she wants to live with her parents.

It is respectfully submitted that in the said statement dated 29.12.2022, the alleged detainue Payal Bhargav has categorically stated that she

intends to live with her parents out of her own accord. Translated version of said statement dated 29.12.2022 of alleged detainee Payal Bhargav is annexed herewith as Annexure R-1/T for the kind consideration of this Hon'ble Court.

7. That in pursuance of order dated 16.12.2022 passed by the Hon'ble Court, it has been found that alleged detainee Payal Bhargav is living happily with her parents at Rai Singh Nagar (Rajasthan) voluntarily without any pressure or coercion and she has not been detained or pressured by anyone. It is further respectfully submitted that the directions dated 16.12.2022 passed by the Hon'ble Court have been fully complied with in letter and spirit. Therefore, the present petition is liable to be dismissed being devoid of any merits."

This Court finds that as per the stand of the detainee, as mentioned in the aforesaid status report, she has admitted the solemnizing of the marriage.

Counsel for respondents No.4 to 8 prays for time to file reply in the matter.

Adjourned to 06.02.2023. "

4. In view of the statement of alleged detainee, which is detailed in the status report and recorded in the previous order dated 31.01.2023, this Court does not find any substance in the allegations levelled in the present petition regarding staying of the detainee with her own family members illegally. Thus, finding no substance, present petition stands dismissed.

5. However, it would be open for the petitioner to seek any other alternate remedy available to him under the law.

(SANJAY VASHISTH)
JUDGE

22.05.2023

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