

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRWP-859-2024

Date of Decision: 08.02.2024

Goldy Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J.(ORAL)

1. Present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for release of detenue namely Manveer Kaur, illegally detained by respondents No. 4 to 7, at the house of respondent No. 6.

2. On 29.01.2024, the following order was passed:

“Present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for release of detenue namely Manveer Kaur, illegally detained by respondents No. 4 to 7, at the house of respondent No. 6.

Learned counsel for the petitioner inter alia contends that the petitioner and detenue had solemnized marriage with each other in the month of November 2022 and they approached the Court of learned Sessions Judge, Barnala and protection was granted to them. The age of the detenue is 25 years and on 09.10.2023, the petitioner and detenue were blessed with a son. It was an inter caste marriage and on 22.01.2024 (wrongly written as 22.01.2023 in para No. 5 of the petition), respondent No. 5 came to the house of petitioner and took away the detenue on the pretext of some

emergency in the family.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. AG Punjab, who is present in the Court, accepts notice on behalf of official respondents No. 1 to 3 and seeks some time for filing status report.

Adjourned to 08.02.2024.

In the meantime, Jurisdictional Police Officer is directed to produce the detenue before the concerned Jurisdictional Magistrate and get her statement recorded under Section 164 of Cr.P.C.”

3. Status report in the form of affidavit of Mr. Manavjit Singh Sidhu, Deputy Superintendent of Police, Sub Division Tapa, District Barnala on behalf of respondents No. 1 to 3 -State of Punjab has been filed and the same is taken on record.

4. In compliance thereof, the statement of wife of the petitioner-alleged detenue was recorded by the concerned jurisdictional Magistrate under Section 164 Cr.P.C and she stated that she is residing with her Aunt out of her own free will and the allegations of illegal confinement of petitioner's wife are not established and the wife of the petitioner has already filed a divorce petition and the same is pending before the competent Court of jurisdiction.

5. In view of the above, no further directions are required to be passed in the present petition and the same is hereby dismissed.

08.02.2024

Rajeev (rvs)

(HARPREET SINGH BRAR)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No