

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1277-2024

DECIDED ON: 01.03.2024

SUKHJINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

In continuation of the earlier orders passed by this Court, whereby firstly vide order dated 08.02.2024, a Warrant Officer was appointed, who failed to find out the alleged detenue namely Prabhsimran Kaur, the State was called upon to file a status report after conducting an inquiry into the allegations made in the instant petition.

Today, learned State counsel assisted by DSP Sukhnaj Singh has filed a status report dated 01.03.2024 by way of an affidavit of Ravjot Grewal, IPS, Senior Superintendent of Police, District Fatehgarh Sahib on behalf of respondents No.1 to 3, which is taken on record. The relevant part of the affidavit reads as under:-

“2. That in this regard the deponent sought a report with respect to the matter in the present petition from the DSP, Sub-division, Fatehgarh Sahib vide letter No.45-A/DIR/Litigation dated 27.02.2024.

3. That thereafter the DSP, Sub-division Fatehgarh Sahib submitted the report to the effect that the investigation conducted by the SHO of Fatehgarh Sahib revealed that FIR 62 dated 28.6.2019 u/s 376, 420, 506 IPC & 3,4 of POCSO Act at police station Lambra, district Jalandhar was registered against petitioner Sukhjinder Singh on the basis of statement of Prabh Simran Kaur, daughter of Man Singh, resident of village Nittra Kana Labra, district Jalandhar. Prabh Simran Kaur had deposed in favor of the petitioner in the abovementioned FIR and thereupon the petitioner was acquitted on 19.11.2019. Thereafter, the petitioner married Prabh Simran Kaur on 08.04.2020. After their marriage, the petitioner used to beat Prabh Simran Kaur. Due to this Prabh Simran Kaur came in contact with Sikandar Singh, son of Darbara Singh, resident of village Bhagrawana, police station Badali Ala Singh, district Fatehgarh Sahib, through Facebook. Presently Prabhsimran Kaur is living in a live-in relationship with Sikander Singh at the house of Sikander Singh. It has been further stated in the inquiry report that Prabhsimran Kaur and the petitioner Sukhjinder Singh have been directed to seek their respective remedy from the concerned court. Having agreed with the report of SHO, P.S Fatehgarh Sahib, the DSP, Sub-division Fatehgarh Sahib concluded that no action with respect to the application Annexure Pl attached with the present petition, is required to be taken, and hence it was recommended to consign the application to the record room. True translation of the statement of inquiry report is Annexure R1/T.

4. That from the inquiry report it transpired that that wife of the petitioner is living in live-in-relationship with respondent no.2 Sikander Singh with her own free will and wish, without any kind of pressure from anybody and

she has not been detained by anybody. The petitioner is also known to this very fact at the time of filing the present petition. Hence, it is respectfully submitted that the present petition deserves dismissal. However, it is undertaken to comply with the direction, if any, passed by this Hon'ble Court."

With the assistance of learned State counsel, this Court has also gone through the report attached with the said affidavit as Annexure R-1/T, which suggests that there is a dispute going on between the present petitioner Sukhjinder Singh and the detenue Prabhsimran Kaur and for which they have been asked to initiate legal proceedings against each other, if they desire to do so.

Ms. Prabhsimran Kaur is present in Court.

Ms. Khushika Setia, Advocate has put in appearance on behalf of respondent No.4 and has filed Vakalatnama. Respondent No.4 is also present in Court, with whom detenue namely Prabhsimran Kaur is residing.

On the asking of this Court, the alleged detenue namely Prabhsimran Kaur has shown her willingness to stay only with respondent No.4 and is not inclined to go in the company of her husband Sukhjinder Singh asserting that she has been maltreated by him, who is an alcoholic.

In the light of above, nothing survives in the instant petition and the same has been rendered infructuous and disposed off as such.

(SANDEEP MOUDGIL)
JUDGE

01.03.2024
Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No