

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211-CRWP-5506-2024

Decided on 12.06.2024

Jaswinder Kaur

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Arun Sharma, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Dr. Naresh Kaushik, Advocate for respondent No.4

Sandeep Moudgil, J.

1. This writ petition under Article 226/227 has been filed by the petitioner seeking a writ in the nature of Habeas Corpus for releasing the detenue, namely, Japneet Kaur (niece of the petitioner) from the illegal custody of respondent No.4 who is none other than the husband of the alleged detenue – Japneet Kaur.

2. While issuing notice of motion, this Court on 10.06.2024 passed the following:-

It is stated that the detenue had performed love marriage with respondent No.4 and for that purpose, they had even sought protection by this Court in CRWP-372-2023 vide order dated 16.01.2023. He submits that since respondent No.4 started beating the detenue-Japneet Kaur, hurled abuses and leveled false allegations on her character and even detained her and not allowed her to go outside, she filed CRWP-2995-2024 which was disposed of with a direction to decide the representation of the petitioner.

It is further averred that detenue-Japneet Kaur was residing with Kawaljit Kaur and on 29.05.2024, respondent No.4 along with other persons kidnapped the detenue and took her

and also threatened that he will destroy everything if the matter is reported to the police. Reliance has been placed on the Whatsapp messages (Annexure P3) exchanged by the detenue with her friend wherein she has specifically stated that her life is in danger from respondent No.4.

Notice of motion be issued for 12.06.2024.

Registry is directed to appoint a Warrant Officer, who shall search the whereabouts of the alleged detenue, at the address mentioned in the writ petition or at any other place(s) as may be indicated by the petitioner. The Warrant Officer may associate the petitioner and some local police officer/lady police official, so as to visit the place indicated by the petitioner and record the statement of the detenue. In case, the detenue makes a statement that she is being detained against her wishes, she be released from the illegal custody and be produced before this Court on the date fixed.

The fee of the Warrant Officer shall determined by the Registry as per the Rules and borne by the petitioner. The counsel for the petitioner is directed to contact the Warrant Officer and furnish all details and mobile number of the petitioner.

The specific report of the Warrant Officer be also placed on record before the next date of hearing.

3. Today, the report dated 11.06.2024 has been filed by the Warrant Officer and the same reads as under:-

“In compliance with the orders dated 10.06.2024, passed by Hon'ble Mr. Justice Sandeep Moudgil, the undersigned was appointed as Warrant Officer in the above said case on 10.06.2024.

The undersigned alongwith Sh. Sukhpreet Singh (uncle of detenue) reached at Police Station, Islamabad, District Amritsar

on 11.06.2024 at about 05:10 AM with regard to releasing detenue namely Japneet Kaur from illegal custody of respondent No.4. Sh. Narinder Singh, ASI, Night Munshi and Sh. Jai Veer Singh, ASI and Smt. Manjit Kaur, PHG were present in the police station, Islamabad, District Amritsar. I apprised them about purpose of my visit and entry was made on computer vide G.D. No.3 dated 11.06.2024 (Annexure-R1). Thereafter, as desired by the petitioner, the undersigned alongwith Sh.Sukhpreet Singh and Police Party mentioned above reached at Police Station Tarsikha, District Amritsar as the residence of respondent No.4 falls within the jurisdiction of the said Police Station, Entry was made vide G.D No.3 dated 11.06.2024 (Annexure-R2). Thereafter, the Police Party Islamabad and Police Party Tarsikha alongwith lady police PHG Smt. Manjit Kaur and Sh. Sukhpreet Singh (uncle of the detenue) reached at the residence of respondent No.4 ie. Sh. Jobanjeet Singh, r/o village Jodha Nagari, District Amritsar. Ms. Japneet Kaur, detenue her husband Sh. Jobanjeet Singh and his mother and brother were present in the house. Notice on behalf of respondent No.4 served to Sh. Jobanjeet Singh and the order was also shown to Ms. Japneet Kaur and the matter was discussed in detail and she has given her statement that she is B.Ed graduate and is 23 years old. She affirmed that she solemnized love marriage with Sh. Jobanjeet Singh on 07.01.2023 at her own will. Now she wants to live with Sh. Jobanjeet Singh and does not want to go with Sh. Sukhpreet Singh. She has also stated that she is giving statement at her own free will in the presence of Smt. Manjeet Kaur, PHG, Police Station Islamabad, District Amritsar, Sh. Sukhpreet Singh and Police Party. Statement of Ms. Japneet Kaur is at Annexure-R3. However, at the time of visit Ms. Japneet Kaur, detenue seems to be scared and confused. Sh. Sukhpreet Singh has also verbally intimated that Ms. Japneet Kaur will meet him at the High

Court. Entry was made vide G.D No.9 dated 11.06.2024 (Annexure-R4).

Notice on behalf of respondents 2 and 3 served to Sh. Narinder Singh, ASI, Police Station Islamabad, District Amritsar.

Report is submitted for kind perusal please.”

4. The detainee, namely, Japneet Kaur is present in Court. Her father, namely, Sh. Baldev Singh Wadala; Smt. Jaswinder Kaur (Massi); Sh. Harbhej Singh (uncle); Sh. Sukhpreet Singh (uncle); Smt. Manjeet Kaur (maternal aunt) are also present in Court. The father of the detainee-girl requested and was allowed by the Court to interact with the alleged detainee Japneet Kaur.

5. After the interaction, the girl Japneet Kaur has happily and willingly agreed to go with her father. She further stated that she does not want to join the company of respondent No.4 anymore and that she has all the love and affection towards her parents. The father, Baldev Singh Wadala as well as the girl Japneet Kaur have tendered their statements separately to this effect.

6. Since the detainee girl Japneet Kaur is ready and willing to join the company her father and is not willing to go with respondent No.4, nothing survives in this petition and is disposed of accordingly.

7. The girl Japneet Kaur has prayed that her documents like music certificate, passport, Aadhar Card, Matric and 10+2 certificates are still in the custody of respondent No.4. Accordingly, the Commissioner of Police, Amritsar is directed to recover the above said documents of Japneet Kaur

within 7 days and ensure that the same are safely delivered to the possession of Japneet Kaur.

8. Ordered accordingly.

12.06.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No