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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on: 29.04.2025

DILBAGH SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sukhmeet Singh, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. Present criminal writ petition has been filed under Article 226 of Constitution of India, seeking issuance of writ in the nature of Habeas Corpus for release of detenue Kirandeep Kaur, niece of petitioner, who was forcibly taken away by respondent No.5.

2. On 14.02.2025, following order was passed:

“1. The instant petition under Article 226 of Constitution of India has been filed by the petitioner - Dilbag Singh for issuance of a writ in the nature of habeas corpus for release of detenue Kirandeep Kaur, who is related as niece of the petitioner.

2. It is pleaded in the petition that detenue Kirandeep Kaur is of the age of 16 years and study in 10 standard. On 19.12.2024 at about 11.30, petitioner went away from house. Father of the petitioner has already got registered FIR No.178 dated 24.12.2024 under Section 127(6) BNS at Police Station Haibowal, District Police Commissionerate Ludhiana against unknown person.*

3. It is further pleaded that as per knowledge of the petitioner, detenue has been taken away by Sandeep Singh (respondent No.5). After registration of FIR, statement of detenue was got recorded by learned Magistrate also and the detenue was handed over to the petitioner, but again on 08.02.2025,

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respondent No. took away the niece of the petitioner.

4. Thus, submits that petitioner being minor is in illegal custody of respondent No.5.

5. Since the FIR has already been registered and as per petitioner, the detenue had also been recovered and required statement was also recorded before the Court of learned Magistrate, first of all it would be necessary to get apprised of the status of the investigation.

6. Notice of motion.

7. On asking of Court, Mr. Amandeep Singh Samra, AAG, Punjab, accepts notice on behalf of respondent Nos. 1 to 3-State and seeks time to file status report.

8. Respondent No.5 be also served through respondent No.3-Station House Officer, Haibowal, District Ludhiana.

9. Let a response be also filed after tracing out and then recording of statement of the detenue.

10. Need not to say much that in case, detenue, who allegedly is a minor, if found in illegal custody of the said person, either her custody would be handed over to her parents or to the petitioner or to the Nari Niketan of the area, wherever she chooses to stay.

11. List on 18.02.2025.”

3. Today, detenue namely, Kirandeep Kaur alongwith Lady Constable Sandeep Kaur and ASI Karamjit Singh, is present in Court. Learned State counsel, on instructions, submits that detenue has been kept in Child Care Institute, Doraha, Ludhiana.

4. In view of the above, counsel for the petitioner prays for withdrawal of the present petition with liberty to avail appropriate remedy at appropriate stage before appropriate forum, in accordance with law, if necessity arises.



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5. Dismissed as withdrawn with the liberty as sought and recorded hereabove.

6. However, it is clarified that in case parents or other close relative wishes to meet detainee, they would be at liberty to move application in this regard to the concerned Authorities.

(SANJAY VASHISTH)

JUDGE

April 29, 2025

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Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**