

In the High Court of Punjab and Haryana at Chandigarh

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Criminal W.P. No.1668 of 2015

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Date of decision:26.11.2015

Lachhman Dass

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sumeet Puri, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

Mr. P.S. Khurana, Advocate for respondent No.4
and Ms. Ashu Goyal-detinue in person.

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Inderjit Singh, J.

This criminal writ petition has been filed under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ or roving in the nature of Habeas Corpus petition for appointment of a Warrant Officer with a direction to get released detinue Ashu Goyal (wife of the petitioner) from the illegal custody of respondents No.2 to 4 and set her free from the illegal bondage of respondents No.2 to 4, as the detinue is the legally wedded wife of the petitioner.

Notice of motion was issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has
appeared on behalf of the respondents No.1 to 3. Learned State counsel was

also directed to get the matter inquired through the concerned Station House Officer and submit report.

The report has been filed by the learned State counsel. Mr. P.S. Khurana, learned Advocate has appeared on behalf of respondent No.4. Ms. Ashu Goyal, alleged detainee was also produced in the Court in person.

After hearing learned counsel for the parties as well as the learned State counsel and after going through the record, I find that earlier also Habeas Corpus petition had been filed in this Court bearing Cr.W.P. No.1081 of 2015, which was decided on 3.8.2015. In that petition also detainee Ms. Ashu Goyal was produced in the Court, who on being asked stated that she is willing to live in her parents house and does not want to go with the petitioner and that petition was dismissed.

Again the petitioner has filed this second petition knowingly fully well that he had filed a petition in which the detainee had made a statement in the month of August 2015. Ms. Ashu Goyal alleged detainee appeared in person and stated before this Court in the presence of the petitioner and his counsel that she is residing with her parents as per her own will. The petitioner is harassing and defaming her and her family by filing this writ petition.

Keeping in view the above fact, no further action is required to be taken in this petition and the same is dismissed. As the petitioner has filed the second petition with a motive to harass the detainee and her family and further as the petition to the same effect has already been dismissed by this Court after the production of detainee, therefore, in these circumstances

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I impose ₹50,000/- as costs upon the petitioner for filing this frivolous petition. This amount will be deposited by the petitioner within one month from today for payment to the detinue Ms. Ashu Goyal. If the amount was not deposited, the Registry will take action as per law for recovery of the amount.

November 26, 2015.

(Inderjit Singh)
Judge

hsp