

CRWP- 265 of 2015

Date of Decision: 20.02.2015

Kashim Ali

---Petitioner

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: MrSanjeev Manhas, Advocate
for the petitioner

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner has prayed for issuance of writ of habeas corpus by invoking Article 226 of the Constitution of India to seek release of Sapura from illegal detention/custody of respondent No. 4.

Counsel for the petitioner contends that Sapura (detenue) performed marriage with him on 13.6.2014 by way of Nikah ceremony. As Sapura was already married with the petitioner and during subsistence of that marriage she was not competent to perform marriage with respondent No. 4. Sapura and Baljinder Singh on the basis of mis-statement of facts obtained an order from this Court in regard to protection of their lives and liberty. It is submitted that respondent No. 4 may be directed to produce Sapura in the Court so that statement of Sapura in regard to her circumstances can be recorded.

I have heard counsel for the petitioner and find no reason to issue the writ as prayed for.

Counsel for the petitioner has fairly conceded that Sapura and Baljinder Singh filed a petition under Section 482 of the Code of Criminal Procedure seeking protection of their lives and liberty alleging that they have performed marriage. Under these circumstances, there is no question of said Sapura being in illegal custody of respondent No. 4 or issuance of a writ of habeas corpus for her release from alleged illegal detention.

(REKHA MITTAL)
JUDGE

20.02.2015

PARAMJIT