

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**  
**Sr. No.: 115**

**Criminal Writ Petition No.515 of 2015 (O & M)**

**Date of Decision:** *April 01, 2015*

**Jasvir Singh**

..... PETITIONER

*VERSUS*

**State of Punjab & others**

..... RESPONDENT(S)

. . .

**CORAM:**     **HON'BLE MR. JUSTICE JASPAL SINGH**

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

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**PRESENT:** -   Mr. Darshan Singh Sidhu, Advocate, for the  
petitioner.

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**Jaspal Singh, J**

1.             This petition has been preferred under Article  
226/227 of Constitution of India seeking issuance of a writ in  
the nature of Habeas Corpus, directing respondent Nos.1 to 3 to  
produce detainee – Jaspreet Kaur, his wife after releasing her  
from illegal custody of respondent Nos.4 and 5 as well as their  
parents, with further direction to hand over her to petitioner.

2. Contention of learned counsel for petitioner is that Jaspreet Kaur, his wife, has been kidnapped by respondent No.4 with the help of his relatives and friends as well as respondent No.5 on March 24, 2015 in order to get her marriage solemnized with him illegally. Since then, she is in their illegal custody.

3. It has further been submitted by learned counsel for petitioner that respondent Nos.4 and 5 forcibly took his wife and at that time, they also removed gold ornaments weighing 10 tolas and currency notes to the tune of ₹ 20,000/-. Since, there is no other remedy available with petitioner, he preferred the instant petition.

4. This Court has given a deep thought to aforesaid submissions made by learned counsel for petitioner and perused the file, but finds the same to be without any legal or factual substance.

5. A scrutiny of contents of petition transpires that respondent No.4 was having illicit relations with detenue i.e. wife of petitioner, for the last about two years. Due to said reason, alleged detenue has gone with respondent Nos.4 and 5 without raising any hue and cry. In such circumstances, it cannot be said that wife of petitioner has been kidnapped or taken forcibly and illegally by respondent Nos.4 and 5.

6. Though, it finds mention in petition that petitioner personally visited the house of respondent Nos.4 and 5 to bring her wife back from their custody but they did not allow his wife to accompany him, and have also mis-used the cash and other articles which were taken away by respondent No.4 in connivance with detinue. No specific day, date or time has been mentioned.

7. It appears that a novel device has been adopted by petitioner to seek custody of his wife by filing instant petition. Other remedies are also available to him under law. Even otherwise, it cannot be said that there is any apprehension to life and liberty of his wife at the hands of respondent Nos.4 and 5, especially, when she left her house in their company as she was having illicit relations with respondent No.4. So, taking into consideration all these aspects, this Court does not find any merit in the instant petition and same is accordingly dismissed.

**April 01, 2015**  
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**(Jaspal Singh)**  
**Judge**