

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.7 of 2015

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Date of decision:16.1.2015

Bahadur Singh

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sanjeev Kumar Birla, Advocate for the petitioner.
Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.
Mr. M.P.S. Chandel, Advocate for respondents No.5, 6 8, 9
and 11.
Mr. Amit Sheoran, Advocate for respondent No.10.

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Inderjit Singh, J.

This criminal writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ of Habeas Corpus for the release/production of Rajni aged 19 years daughter of Bahadur Singh (petitioner), who has been illegally kept in confinement by respondents No.4 to 11 in collusion with official respondents, without any authority of law and is direct contravention of Articles 19, 21 and 23 of the Constitution of India.

Notice of motion has been issued in this case.

Mr. Deepak Grewal, learned Deputy Advocate General,

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Haryana, has put in appearance on behalf of the respondents No.1 to 3-State, Mr. M.P.S. Chandel, learned counsel has appeared on behalf of respondents No.5, 6, 8, 9 and 11 and Mr. Amit Sheoran, learned counsel has appeared on behalf of respondent No.10 and contested this petition. Learned State counsel has also filed reply on behalf of respondents No.1 to 3.

I have heard learned counsel for the parties and have gone through the record.

By way of the reply, it has been brought to my notice by the learned State counsel order dated 18.11.2014 (Annexure-P.2) passed by this Court vide which earlier petition filed by Bahadur Singh on the similar facts has already been disposed of after taking reply from the State and official respondents. All these facts show that earlier petition filed by the petitioner has already been disposed of by this Court vide order dated 18.11.2014 by stating that in that petition the petitioner did not want to get appointed a Warrant Officer as he does not know the whereabouts of Rajni. Further, FIR has been got registered and the investigation is going on. The State in the reply has stated that the petitioner's daughter is major and is living at some undisclosed location with respondent No.4 with her consent. It is also stated in the reply that during the investigation of the FIR, a letter was received from Rajni, wherein she has stated that she had performed marriage with Vijender Kumar (respondent No.4) as she is major and had not brought any valuable items from her home. Her marriage with Vijender Kumar had been witnessed by Vikram Singh and

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Sandeep Kumar, to whom she will produce as and when required. Her marriage certificate was also enclosed with that letter. The present petition on the similar facts again is not maintainable when the earlier petition has already been disposed of. No new circumstances have been shown for filing a fresh petition.

Therefore, in view of the facts and circumstances of the present case, as the petition on the similar facts has already been decided by this Court, no further action is required to be taken in this petition and the same is disposed of accordingly in view of the earlier order passed by this Court.

January 16, 2015.

(Inderjit Singh)
Judge

hsp