

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRWP No.765 of 2015

Date of decision: 18.05.2015

Saurabh Arora

----Petitioner (s)

V/s

State of Haryana & others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Ms. Payal Mehta, Advocate for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

Mr. Deepak Girotra, Advocate
for respondents no.5 & 6.

HARI PAL VERMA, J. (Oral)

This is a *habeas corpus* petition seeking directions to search out the detainee namely Ashma Arora and unborn child of the petitioner, who have been taken into illegal custody by respondents no.5 to 7.

Learned counsel for the petitioner submits that the petitioner is husband of the alleged detainee Ashma Arora and his wife is pregnant for about three months. The respondents no.5 to 7 when came to know about the pregnancy of the detainee Ashma

Arora, they have forcibly taken her away from the petitioner on the pretext that they will send her back after a week.

Learned counsel for the petitioner further submitted that the petitioner is continuously making efforts to contact the detainee but has failed. He apprehends that respondents no.5 to 7 might have harmed the unborn child and have got the foetus aborted against his wishes as well as against the wishes of the alleged detainee. Petitioner has filed various complaints, including to the Deputy Commissioner of Police, Panchkula, to find out the detainee and ensure safety of his unborn child.

On notice having been issued, Mr. Deepak Girotra, Advocate has put in appearance on behalf of respondents no.5 and 6, who are parents of the alleged detainee Ashma Arora. Learned counsel for respondents no.5 and 6 submits that Ashma is staying with them happily. In fact, Ashma is not interested to go to the petitioner. Therefore, the allegation that the Ashma is in illegal detention of respondents no.5 to 7 is incorrect.

Learned State counsel also submits that the allegation of illegal detention is false.

Considering the fact that Ashma is staying with her parents, it cannot be said that she is in illegal custody of respondents no.5 and 6, who are her parents. Moreover, learned counsel for respondents no.5 and 6 has stated that Ashma is not interested to go with her husband. In case, the petitioner feels that his wife has withdrawn from the society of the husband, the

petitioner has remedy under law. However, by not adhering to that remedy, the petitioner has invoked the jurisdiction of this Court by filing the present *habeas corpus* petition, which is not maintainable.

Therefore, I find no merit in the instant petition and the same is dismissed.

May 18, 2015
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(HARI PAL VERMA)
JUDGE