

240.

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

CRWP-1237-2016

Date of decision:22.09.2016

Balwinder Singh

... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rishi Lal, Advocate,
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for release of alleged detainee, namely, Meena Devi.

Petitioner has claimed Meena Devi i.e. the alleged detainee, as his wife. While filing the present criminal writ petition, he has prayed for appointment of a Warrant Officer to search the premises of respondents No.4 to 6. The petitioner has projected himself to be the husband of the alleged detainee. He states that she has been picked up by the respondents from court premises. He made this court to believe that there is urgency in the matter and accordingly, the present petition was presented on holiday on 17.09.2016. Earlier also, petitioner has filed CRWP-1228-2016 (Balwinder Singh Versus State of Haryana and others) and on 15.09.2016 in the said petition, the following order was passed:-

“Learned counsel for the petitioner states that at this stage, he be permitted to withdraw the present petition,

however, with liberty to file fresh one if the need so arises.
Dismissed as withdrawn with liberty aforesaid.”

Pursuant to the order dated 17.09.2016 whereby notice of motion was issued for today, Mr. Sanjiv Kumar Aggarwal, Advocate, has put in appearance on behalf of respondents No.4 to 6 and filed vakalatnama which is taken on record. He has also produced the alleged detainee, Meena Devi in Court.

Since the alleged detainee was present in court, in order to ascertain the true facts, Ms. Parveen Maan, Advocate present in Court, was requested to interact with the detainee i.e. Meena Devi in chamber attached to this Court. After interacting with Meena Devi, she has informed that Meena Devi-the alleged detainee is not inclined to go with the petitioner and wants to stay with the parents with whom she is already staying.

Once the alleged detainee, namely, Meena Devi has admitted in this Court that she is not in illegal detention and she has stated that she does not want to live with the petitioner and she is staying with her parents happily. This Court finds that the present is not a case of illegal detention as the detainee who is major and staying with her parents. Therefore, the relief claimed in the instant petition by the petitioner cannot be granted to him. As a matter of fact, the present habeas corpus is not maintainable at the behest of the petitioner who is claiming to be legally wedded husband of the alleged detainee.

In view of above, this court finds that filing of present petition is nothing but an attempt to harass the alleged detainee as well as her parents. Therefore, under such circumstances, present petition is liable to be dismissed with exemplary costs.

Accordingly, the present petition is dismissed with costs of ₹25,000/- to be deposited by the petitioner with the Registry of this Court.

Registry to list the case for compliance of order, on 27.10.2016.

(HARI PAL VERMA)
JUDGE

22.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.