

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

Cr.W.P.27 of 2016

Date of Decision: January 28, 2016

Nirmal Singh

...Petitioner

Versus

S.S.P. Yamuna Nagar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

The petitioner-Nirmal Singh claiming himself to be in relationship with one Simranjeet Kaur daughter of respondent No.3 had instituted the instant petition by way of criminal writ petition under Article 226 of Constitution of India for issuance of writ of habeas corpus seeking directions to respondents No.1 and 2 to produce Simranjit Kaur, daughter of respondent No.3 and releasing her from the custody of respondent No.3.

Heard, learned counsel for the petitioner.

It is admitted stand of the petitioner that there is no legal and legitimate relationship between petitioner and the said Simranjeet Kaur. The mere fact that they were planning to marry each other against the wishes of the parents of the girl does not confers any right to the petitioner. Especially, when admittedly Simranjeet Kaur is daughter of respondent No.3 and was born and

brought up by the parents and is residing with them. Merely because the petitioner has knocked at the doors of this Court seeking writ of habeas corpus does not impels this Court to recognise his rights to this effect. The Court having regard to the larger social canvass cannot be a tool in the hands of the disgruntled petitioner to facilitate desires of the petitioner which remains unsubstantiated and the counsel for the petitioner could not convince this Court by any means how the Court can be instrumental to accede to such a prayer and mere alleged photostat copy of the affidavit purported to have been given by Simranjeet Kaur almost a year ago does not carries the day for the petitioner or the photostat copies of the proof of her qualification when there is no reasonable and convincing evidence brought to the notice of this Court to accept the averments of the petitioner that she has been confined illegally against her wishes. Under the provisions of law parents are the natural guardian and act in the interest and for the welfare of the children and such a person having no locus standi cannot be allowed to invoke the jurisdiction of this Court to wreak vengeance and bring about ignominy to the family. Though, the learned counsel for the petitioner cited judgments in case **Selva Kumar vs. The Commissioner of Police, Madurai and others HCP (MD) No.1097 of 2011** and **Shinu Paul vs. Circle Inspector of Police Kanjar and others WP (Crl.) No.276 of 2010(s)**, however, they are factually at much variance as well as the social norms of the society on this side of the State.

In the totality of what has been discussed above, the petition being hopelessly devoid of any merit and being not

maintainable stands dismissed with special costs of ₹20,000/- which shall go to the Punjab and Haryana High Court Free Legal Service Authority.

**(FATEH DEEP SINGH)
JUDGE**

January 28, 2016
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