

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

CRWP No.639 of 2016.
Decided on:-12.05.2016.

Sukhbir Singh.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

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

Present:- Mr. Dishant D. Tuteja, Advocate
for the petitioner.

HARI PAL VERMA, J.

The petitioner has filed present petition under Article 226 of the Constitution of India read with Section 482 Cr.PC seeking issuance of a roving writ in the nature of habeas corpus for appointment of a warrant officer so as to secure the release of detainee/respondent No.6, who is stated to be in illegal custody of respondents No.4 and 5.

Learned counsel for the petitioner has contended that the petitioner met respondent No.6 through his cousin Ramneek Kaur, who was staying at the house of respondent No.6 at Kapurthala. His cousin Ramneek

Kaur was pursuing a nutrition course. The petitioner and respondent No.6 continued to meet and talk on phone and in March, 2016, both decided to discuss the prospects of their marriage with their respective family members. Though the parents of petitioner were happy with the proposed marriage of the petitioner with respondent No.6, but the parents of respondent No.6 did not agree to this proposal. They, rather, blatantly refused to accept this relation.

Learned counsel for the petitioner has further argued that respondent No.6 is in illegal custody of respondents No.4 and 5 despite the fact that respondent No.6 is inclined to go with the petitioner. When the petitioner tried to meet respondent No.6 and her family members, he was turned out from the house with one or the other reason and, rather, threatened with dire consequences. Respondent No.6 had to appear in the IELTS examinations, but she was not allowed to appear in the said examination. Since 26.3.2016, the whereabouts of respondent No.6 are not known to the petitioner or any of her friends. The respondent No.6 is not being allowed to leave her home and has been kept under house arrest. It is in these circumstances, the present petition seeking writ in the nature of habeas corpus has been sought for.

I have heard learned counsel for the petitioner.

The plea projected by the petitioner is imaginary. There is no established relationship between the petitioner and respondent No.6.

Admittedly, respondent No.6 is in the custody of her parents which cannot be termed to be illegal custody. The filing of the writ petition is a blatant misuse of process of law. Such like petition needs to be dismissed outrightly. Considering the fact that respondent No.6 is staying with her parents, the petitioner, who is claiming himself to be a friend of respondent No.6, cannot invoke the writ jurisdiction for issuance of habeas corpus against the parents of respondent No.6.

Therefore, this Court does not find any merit in the present petition and the same is, accordingly, dismissed.

May 12, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE