

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Writ Petition No.645 of 2016
Date of Decision: 06.09.2016

Pankaj Khanna

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

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

Present:- Mr. Jagmohan Singh Bhatti, Advocate
for the petitioner.

Mr. Manish Basnsal, DAG, Haryana.

Mr. Baldev Singh Badhram, Advocate
for respondents no.2 to 5.

HARI PAL VERMA, J. (Oral)

Petitioner – Pankaj Khanna has filed the present writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *habeas corpus* to set the alleged detenue namely Inderpreet Kaur and his minor son Angad Khanna free from the illegal custody of respondents no.2 to 5.

The petitioner got married with Inderpreet Kaur on 24.2.2008 at Chandigarh and a minor son Angad Khanna was born from the said wedlock on 2.5.2011.

Learned counsel for the petitioner has argued that wife of the petitioner namely Inderpreet Kaur and his son Angad Khanna are in illegal custody of respondents no.2 to 5, who have forcibly detained them since 23.1.2016.

On notice of motion having been issued, Mr. Baldev Singh Badhran, Advocate has put in appearance on behalf of respondents no.2 to 5.

Even the alleged detinue Inderpreet Kaur is also present in Court. On a query put by the Court, she has very fairly stated that she is not in illegal custody of respondents no.2 to 5 and rather, she along with her son Angad Khanna is living independently at Gurgaon. She has further stated that she has filed a petition under Section 125 CrPC against her husband on 27.4.2016 and the same is pending before the Family Court at Gurgaon, but she has not been paid any maintenance allowance by the petitioner.

I have heard learned counsel for the parties.

The facts of the case are very clear to the extent that the petitioner-husband has sought a writ of *habeas corpus* on the premises that his wife is in illegal detention of respondents no.2 to 5, but in view of the specific stand of the detinue herself, who is present in Court, the facts of the case indicate something else. The factum of pendency of litigation between the petitioner and the alleged detinue before Family Court has also not been denied by learned counsel for the petitioner.

In view of the aforesaid matter, this Court finds that filing of present petition, seeking a writ in the nature of *habeas corpus*, is totally

misconceived, as in case the wife has withdrawn from the society of the petitioner, the petitioner has independent remedy available under the law. Thus, filing of the present petition is totally unwarranted and is aimed at to harass her and her minor son.

Accordingly, this petition is dismissed with costs of Rs.10,000/- to be paid by the petitioner to the alleged detinue namely Inderpreet Kaur within one month from the date of receipt of certified copy of this order.

September 06, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No