

CRWP No.843 of 2016

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

Sr. No. 116

CRWP No.843 of 2016

Date of decision: July 11, 2016

Yogendra Mahato

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Amar Deep Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

This is a petition preferred under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for immediate release of detenue Smt. Arti w/o Yogendra Mahato s/o Udou Mahato, r/o Village Rahta, Tehsil Uda Kishanganj, District Madhepura Bihar, who has been illegally detained by respondent No.5.

Learned counsel for the petitioner contends that his marriage was solemnized with Smt. Arti (Detenue) on January 15, 2016 and after their marriage they lived and cohabited as husband and wife. Learned counsel for the petitioner further contends that petitioner has sent the detenue to her parental house situated at Amritsar with mutual consent on February 16, 2016. However, after February 18, 2016 she had stopped all the channels of communications with the petitioner. Since the detenue has

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been illegally detained by respondent No.5, petitioner has left with no other option except to knock the doors of this Court by way of filing of the instant petition.

This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner but find the same without any legal substance. The alleged detainee Smt. Arti has been sent to her parental home by the petitioner at own accord. He had also communications with her till February 18, 2016. The stay of Smt. Arti at her parental house cannot be said to be illegal or that she has been illegally detained by respondent No.5.

Thus, the instant petition is not legally maintainable. As such, the same is dismissed.

However, the petitioner shall be at liberty to have recourse to other remedies available to him under the law.

July 11, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**