

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

CRWP-1569-2016 (O&M)
Date of decision : 20.01.2017

JARNAIL

...Petitioner (s)

Versus

STATE OF HARYANA & OTHERS

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Petitioner in person with
Mr. Imran Farooqi, Advocate

Mr. Saurabh Mohunta, DAG, Haryana

Respondent No.4 in person with
Mr. Sukhdev Singh, Advocate

JITENDRA CHAUHAN, J. (Oral)

By way of present petition the petitioner has sought the issuance of a writ in the nature of Habeas Corpus for producing the detenue-Raj Kumari and releasing her from the illegal detention of respondent No.4.

The petitioner heard in person states that alleged detenue-Raj Kumari wants to join her family, however, the police in connivance with respondent No.4 are provoking and assisting her to join the company of respondent No.4. The petitioner is a daily wager, whereas respondent No.4 is stated to be a big land lord. It is also brought to the notice of the Court that the police is assisting respondent No.4 to speak to the alleged detenue

presently lodged in Nari Niketan.

Without adverting to statement made before this Court and considering the fact that the detinue now wants to join the company of the petitioner, this petition is disposed of with a direction to the petitioner to approach the authorities of Nari Niketan who after obtaining the consent of the detinue shall hand over her custody to the petitioner. In case the detneue does not wish to join the company of petitioner, being major she be set at liberty forthwith.

It is to be seen that respondent No.4 has been married for the last 14 years. On the last date of hearing, the learned counsel for respondent No.4, on instructions, made a statement that first wife of respondent No.4 was ready and willing to accept the detneue as his second wife. However, the said statement has been found to be without any substance. Therefore, considering the financial status of the petitioner, this Court is inclined to impose costs of Rs.1 lakh upon respondent no.4 to be paid to the petitioner as compensation and litigation charges.

Ordered accordingly.

20.01.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No