

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-562-2016 (O&M)

Date of Decision: 17.07.2017

BIMLA CHAUDHARY

... Petitioner

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH.**

Present: Mr. Ram Bilas Gupta, Advocate,
 for the petitioner.

 Mr. Gurdas Singh, DAG, Haryana.

 Mr. Jagjot Singh, Advocate,
 for respondents No. 5 to 7.

KULDIP SINGH, J (ORAL)

The petitioner seeks issuance of writ in the nature of Habeas Corpus for releasing of her husband-Dinesh Kumar from illegal custody of respondents No. 5 to 7.

It comes out that the petitioner has herself got registered an FIR No. 510 dated 29.10.2015 at Police Station Mujeshar, District Faridabad under Sections 498-A, 406 and 506 read with Section 34 IPC against her husband, Dinesh Kumar.

During the investigation, husband of the petitioner went missing and later on non-bailable warrants were issued against him.

The perusal of the file further shows that this petition has been filed in the nature of Habeas Corpus stating that her husband-Dinesh Kumar is in illegal custody of respondents No. 5 to 7. However, he was not found in their custody. Now, it is a case of missing person only.

In view thereof, it is not the case of illegal detention. Therefore, Habeas Corpus petition is otherwise cannot be issued. However, if the petitioner feels that some crime has been committed against her husband, she

is always at liberty to lodge a formal criminal complaint to the Police stating what crime has been committed and by whom. In case, a criminal complaint is filed, the police will enquire into the same.

With above noted observations, the present petition stands disposed of.

July 17, 2017

Suresh Kumar

**(KULDIP SINGH)
JUDGE**

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No ✓
<i>Whether Reportable</i>	:	Yes	/	No