

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRWP-1446-2017

Date of Decision:21.12.2017

Ajit Pal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Jagpal Singh, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, A.A.G., Punjab.

Mr. Suresh Kumar Kaushik, Advocate,
for respondent No.4.

HARI PAL VERMA, J.(Oral)

The present petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of habeas corpus for releasing the detenue, namely, Jagdeep Singh alias Gurpreet Singh.

The detenue is son of the petitioner. It is the case of the petitioner that said Jagdeep Singh alias Gurpreet Singh is in illegal custody of respondent Nos.4 and 5. So far as respondent No.4-Swarn Kaur is concerned, she is grandmother of the alleged detenue, whereas respondent No.5-Jagat Singh, was his grandfather, who has already expired on 02.04.2008. A bare glance of the paper-book shows that the present petition was filed on 05.12.2017 and the manner in which, the petitioner has claimed relief against respondent No.5 reflects that the petition has been filed with an obvious motive. The respondent No.5 had already died on 02.04.2008,

but still he has been arrayed as a respondent. Even otherwise, it has been brought to the notice of this Court that a petition filed under Section 13-B of the Hindu Marriage Act (for short “the Act”) for dissolution of marriage between the petitioner and her ex-wife Kamaljit Kaur has already been decided by the learned District Judge, Ropar vide judgment dated 07.07.2014, wherein on the basis of statements made by the respective parties and noticing the fact that the parties are living separately since 20.07.2011 and there is no chance of reconciliation, decree of divorce by way of mutual consent, as provided under Section 13-B of the Act, was granted. During the pendency of matrimonial proceedings i.e., proceedings under Section 13-B of the Act, a settlement was also arrived at between the parties, that the alleged detinue Jagdeep Singh alias Gurpreet Singh will stay with Kamaljit Kaur, who is the ex-wife of the petitioner. The petitioner was directed by the matrimonial court to hand over the custody of the minor child to the mother at the time of first motion.

In view of the aforesaid fact that there is already a settlement between the parties, the prayer of the petitioner for issuance of a writ in the nature of habeas corpus cannot be accepted. However, the petitioner may avail any remedy as available to him under the relevant law if any.

Accordingly, the present petition is dismissed.

December 21, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No