

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

CRWP No.581 of 2017 (O&M)

Date of Decision: May 15, 2017

Naresh Kumar

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Lajpat Sharma, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of Habeas Corpus by way of appointment of a Warrant Officer to search the premises of respondents No.4 to 7, for release of detainee namely Komal wife of petitioner and daughter of Jaibir.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that earlier also, petitioner filed CRWP No.487 of 2017 of similar nature, which was decided by this Court on 28.04.2017. At that time, learned counsel for the petitioner specifically pleaded that petitioner has no relation with the detainee and this fact has been specifically mentioned that neither the petitioner is relative of alleged

detainee nor he has any concern with her. The detainee is stated to be aged

about 18 years and she is residing with her parents and that petition was dismissed.

Now, after about 15 days, again the petitioner has filed this petition by stating himself as husband of detenue Komal. The petitioner has filed one document Annexure P-1 to show the marriage and this certificate has been issued by Prachin Shri Shiv Mandir.

From the record, I find that in the earlier petition as well as in the present petition, the petitioner has taken different stands, meaning thereby, he has not come with clean hands. Fifteen days earlier, it is in the order that petitioner is neither relative nor has any concern with the detenue.

In view of the above facts, the present petition is dismissed with costs of ₹25,000/-, which is to be deposited by the petitioner within two months from today with the High Court Legal Services Committee. If the costs is not deposited, then the Registry is directed to recover the same as per law.

May 15, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No