

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

CRWP No.941 of 2017.

Decided on:-16.08.2017.

Mukesh Kumar.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Ram Pal Verma, Advocate
for the petitioner.

HARI PAL VERMA, J.(ORAL)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus seeking direction to respondents No.1 to 3 to recover the detainee, namely, Laxmi i.e. wife of the petitioner and his minor daughter Vidhi, aged about 8 months, from the illegal custody of the private respondents No.4 to 6. It has been prayed that the respondent No.4 be directed to produce the detainee before this Court.

Learned counsel for the petitioner has argued that the petitioner solemnized marriage with detainee Laxmi on 08.05.2016. Thereafter, both of them were living peacefully and a female child, namely, Vidhi born out of this wedlock on 13.12.2016. Respondents No.4 to 6 had to come in the village of the petitioner on 26.06.2017 and had stated that there is marriage in their

family on 05.07.2017 in Jharkhand and, therefore, they want to take Laxmi with them so as to attend the marriage. The petitioner did not object as there were cordial relations between the parties. The respondents No.4 to 6 had taken away the wife and minor daughter of the petitioner on the pretext of marriage and even the petitioner was also invited in the said marriage to be solemnized on 05.07.2017. The petitioner had also attended the marriage in village Rajmania, Tehsil Birni, District Girdi (Jharkhand) and met all the relatives there.

He has further argued that after the marriage, on 07.07.2017, when the petitioner was ready to come back with his wife and minor daughter, the respondents No.4 to 6 detained the wife and minor daughter of the petitioner in their house. Thereafter, on 09.07.2017, the wife of petitioner had informed him on telephone that she is detained by respondents No.4 to 6.

I have heard learned counsel for the petitioner.

Admittedly, the alleged detainee Laxmi is the wife of the petitioner and private respondent No.4 is her father, whereas respondents No.5 and 6 are her brothers. She had gone to her parental house to attend the marriage. Therefore, it cannot be termed that she is in illegal detention of respondents No.4 to 6.

Thus, having considered the relationship of alleged detainee Laxmi viz. a viz. the respondents No.4 to 6, this Court finds that the plea of the petitioner that his wife, namely, Laxmi and infant daughter, namely, Vidhi, aged about 8 months, are in the illegal custody of respondents No.4 to 6, cannot be accepted.

Accordingly, the present writ petition, being without any merit,
is dismissed.

August 16, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No