

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

CRWP No.333 of 2018

DATE OF DECISION:16.05.2018

Ravinder Singh

...Petitioner

Vs.

State of Punjab & others

..Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Amandeep Chhabra, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional AG, Punjab.

Mr. Mahesh Dheer, Advocate
for respondent Nos.4 & 5.

DAYA CHAUDHARY, J.(ORAL)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for appointment of Warrant Officer to release detainee namely Jaspreet Kaur from the illegal custody of respondent Nos.4 & 5.

Learned counsel for the petitioner submits that alleged detainee namely Jaspreet Kaur is his wife and she has filed a petition under Section 125 Cr. P. C. for maintenance against the petitioner. Petitioner has also filed a case under Section 9 of the Hindu Marriage Act for restitution of conjugal rights against detainee namely Jaspreet Kaur. Learned counsel for the petitioner also submits that detainee was missing for the last one month and she was not with her parents.

In pursuance to notice of motion alleged detainee namely

Jaspreet Kaur is present in the Court who has made a specific statement that she is residing with her parents and there was no reason for being missing or to reside there against her wishes. She has also stated that she is not under influence of any person. It has also been admitted that the matrimonial dispute is pending between the parties.

How the petition for Habeas Corpus is maintainable?

Learned counsel for the petitioner has not responded satisfactory reply that even in case of missing of a person how the habeas Corpus petition is maintainable. It appears that only for the purpose of harassing the detainee, the present petition has been filed which is misuse of process of law. The petition is dismissed with cost of Rs.20,000/- to be paid to the alleged detainee.

16.05.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No