

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

CRWP No.506 of 2018(O&M)
DATE OF DECISION:12.07.2018

Beeru

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Ms. Rozi, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Haryana.

Mr. Rajesh Arora, Advocate
for alleged detainee.

DAYA CHAUDHARY, J.(ORAL)

The present petition has been filed by petitioner Beeru stating that he got married with the alleged detainee in the year 2010. His wife Deepa was taken away forcibly by respondent Nos.4 to 8 along with an amount of Rs.50,000/- and some valuable jewellery. It has also been mentioned that wife of the petitioner is in illegal custody of respondent Nos.4 to 8. Prayer was made in the petition for issuance of a writ in the nature of habeas corpus with a direction to respondent Nos.1 to 3 to search the detainee Deepa at the premises of respondent Nos.4 to 8 or any other place to be pointed out by the petitioner.

Notice of motion was issued in the case on 12.06.2018. A direction was also issued to the Commissioner of Police, Gurugram to look

into the allegations of the petitioner and submit his report to this Court with regard to the fact as to whether Deepa has been forcibly taken away by respondent Nos.4 to 8 and whether she is in illegal confinement or not. A direction was also issued that alleged detainee be produced in the Court on the next date of hearing.

Petitioner as well as alleged detainee Deepa were present in the Court. Deepa has stated that she was being tortured by her husband and she left the matrimonial home because of the ill treatment given to her. She has also stated that she is residing with her paternal uncle's family as per her own free will and there was no pressure upon her. It was also stated that she does not want to reside with the petitioner as he is in the habit of giving beatings to her.

The allegation of giving beatings was denied by petitioner. It was also submitted that not only his wife Deepa but both the children were looked after by him. By considering the interest of both the minor children, the matter was sent before Mediation and Conciliation Centre of this Court. Thereafter, both the parties appeared before the Mediation and Conciliation Centre of this Court but no effective fruitful result came as both of them were not interested in remaining together. Both the parties are interested to have the custody of the children. In pursuance of order passed by this Court, the status report has been filed by learned State counsel in the Court and the same is taken on record.

Statement of parties as well as other persons were got recorded and it was found that the detainee-Deepa is residing with her

paternal uncle as per her own free will. The detenue has also appeared before the Mediation and Conciliation Centre of this Court on 10.07.2018.

From the facts as mentioned above there is no merit in the petition and the writ of habeas corpus can not be issued as the detenue has not illegally been detained by private respondents and she is residing with her paternal uncle and Bua of her husband who is also present in the Court.

As far as the dispute of the custody of children is concerned, the parties are at liberty to avail the appropriate remedy. At present, both the children are residing with the petitioner-husband. The local police is also directed not to harass the detenue.

Disposed of accordingly.

12.07.2018
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(DAYA CHAUDHARY)
JUDGE

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