

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

**Criminal Writ Petition No.634 of 2018
Date of decision: 24.08.2018**

Pala Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab
for respondents No.1 to 3-State.

Mr. P.K.S. Phoolka, Advocate
for detenue-Kulwinder Kaur.

Daya Chaudhary, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for immediate release of detenue-Kulwinder Kaur, wife of the petitioner.

It has been mentioned in the petition that the petitioner being husband of detenue is entitled to file the present petition. The detenue is missing since 24.02.2018 and her whereabouts are not known.

Notice of motion was issued in the case on 06.08.2018.

Mr. P.K.S. Phoolka, Advocate appears on behalf of alleged detenue-Kulwinder Kaur and submits that many cases are pending between the parties because of matrimonial dispute. Even the petitioner has appeared before the trial Court in a divorce petition filed by the detenue and the

petition filed under Section 9 of the Hindu Marriage Act is also pending.

In the petition, it has been mentioned that the whereabouts of the detenue are not known to the petitioner and she has not been traced out inspite of making all efforts. She has been searched out in the neighbourhood and inquired about her from all relatives. It appears that the petition has been filed just to harass the detenue whereas as per submissions made by learned counsel appearing for the detenue, many petitions are pending between the parties before the trial Court.

The purpose of filing this petition is not bonafide but the same has been filed with ulterior motive. Hence, the present petition is dismissed with cost of ₹20,000/- to be paid to alleged detenue-Kulwinder Kaur. It is also directed that the cost amount be paid to the detenue before the trial Court where divorce petition is pending.

24.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No