

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

275

CRWP No.677 of 2018
Date of decision :05.09.2018

Idrish

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.

Present: Mr.Sarfraj Hussain, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

Mr. M.D. Khan, Advocate,
for respondent No. 4.

DAYA CHAUDHARY, J. (Oral)

Petitioner-Idrish has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondents No. 2 and 3 to recover detainee-Mubina and minor daughter-Nasima from illegal custody of respondents No. 4 to 7.

In response to notice of motion, alleged detainee namely Mubina, has been produced in the Court today by respondent No.3, who is present along with minor daughter and has stated that she was illegally detained by respondent No.4 against her wishes and that she is interested to accompany the petitioner. Even her signatures were obtained on blank papers while filing CRM-M No. 10976 of 2018 before this Court for protection.

Respondent No.4 has not disputed about the earlier marriage of the detainee and her four children. However, he has stated that it was only

the detenue who came to his house and that she was never stopped to accompany the petitioner. His wife was not having any objection in performing second marriage. He has also stated that he will have no objection in case the detenue joins the company of the petitioner.

As per statement made by the detenue, she is allowed to accompany the petitioner along with children.

Respondent No.4 is directed not to interfere with the matrimonial life of the detenue with petitioner-Idrish.

Respondent No.3 is also directed to ensure the protection of the detenue as well as the family of the petitioner.

Disposed of accordingly.

Septemeber 05, 2018
jyoti-3

(DAYA CHAUDHARY)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No