

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

**CRWP-719-2018 (O&M)
Date of Decision: 6.12.2018**

Sushil Kumar

.....PETITIONER(s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gourave Bhayyia, Advocate
for the petitioner.
Mr. C.L.Pawar, Sr. DAG, Punjab

RAJ SHEKHAR ATTRI, J.(Oral)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus directing the official respondents to release detenue-Jeba Bakhtiar from illegal custody of private respondents No.6 to 10.

State did not produce the affidavit as per order dated 19.9.2018. However, a bare perusal of the record transpires that Sushil Kumar petitioner is already married having a child from first marriage and said marriage still subsists. He claimed forcible relation with the detenue. This Court would like to reproduce para 2 of the petition as under : -

“2. That in brief the facts of the case illegally to file the present petition are that the detenue namely Jeba who is in forcibly relation with the petitioner since 2014 and she

went to live with the petitioner at Jalandhar at his residence, and she has looking a job at Jalandhar, detenue and the petitioner was threatened by the respondents to part their ways, the petitioner alongwith detenue Jeba approach the police officials but in vain therefore petitioner along with detenue Jeba filed a direction petition before this Hon'ble Court vide CRM-M-35254-2018 vide which they sought protection of life and liberty and this Hon'ble Court was pleased to issue interim protection to the petitioner as well as detenue Jeba and notice of motion was issued to the official respondents as well as DGP Assam.....”

It is asserted that Jeba has been taken forcibly by her parents and is in illegal custody of her parents.

To the mind of this Court, custody of Jeba with her parents and other relatives is not illegal who is still unmarried.

At this stage, counsel for the petitioner seeks permission to withdraw the present petition.

Dismissed as withdrawn with costs of ₹ 25,000/- which will be paid to Jeba Bakhtiar within one month from the date of receipt of a copy of this order.

December 6, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>