

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

CRWP No.721 of 2018

Date of decision : 27.09.2018

Lakhwinder Singh

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Bikramjit Singh Randhawa, Advocate for the petitioner.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for release of detainee namely Komalpreet Kaur, who is daughter-in-law of the petitioner and has been forcibly and unlawfully detained by the private respondents.

Learned counsel for the petitioner submits that nephew of the petitioner namely Lovepreet Singh and detainee Komalpreet Kaur fell in love with each other in America and solemnized marriage in USA. They also got registered their marriage on 09.04.2018. When the private respondents came to know about the solemnization of the marriage of the detainee, they called her in India and kept her in illegal custody. They want to perform her second marriage with a boy of their choice. Husband of the detainee also approached S.S.P., Hoshiarpur regarding the whole incident

through e-mail but no action has been taken so far.

After hearing arguments of learned counsel for the petitioner and on perusal of the contents of the petition, it cannot be said that the detenue is in illegal custody as she is with her parents. Moreover, the nephew of the petitioner is in abroad and no such petition can be filed by the petitioner, simply mentioning that the detenue has been brought in India without her wish. There is nothing on record to show as to whether she came to India as per her free will or under pressure.

No ground is made out to issue a writ of Habeas Corpus.

Dismissed.

However, the petitioner is at liberty to avail the appropriate remedy.

27.09.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No