

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

**CRWP-722-2018 (O&M)
Date of Decision: 10.9.2018**

Manjeet Rai

.....PETITIONER(s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

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

Present: Mr. Satbir Rathore, Advocate
for the petitioner.

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 respondents to release Amandeep Kaur wife of the petitioner from illegal custody of respondents No.4 and 5.

The facts of the case are that earlier the petitioner and Amandeep Kaur filed CRM-M-22932-2018 before this Court for grant of protection which was disposed of by this Court vide order dated 25.5.2018 (Annexure P-1). Thereafter, Amandeep Kaur was sent to her mother and brother. In para 4 of the petition, it has been specifically stated by the petitioner as under : -

“4. That after passing of P-1 the petitioner and detinue Amandeep Kaur were at home of the petitioner. On 29.05.2018 mother and brother of Amandeep Kaur came to

the house of the petitioner to meet her daughter. They said that they will not cause any harm to the petitioner and Amandeep Kaur and they want to solemnize their marriage in the presence of the relatives of both the parties. On this the petitioner's family did not raise any objection and on their request Amandeep Kaur was sent with them. They assured the petitioner and Amandeep Kaur that within 15 days their marriage will be solemnized with great pump and show. But during these 15 days they did not allow the petitioner to talk with Amandeep Kaur. Even as per protection order passed by this Hon'ble Court the police has also recorded the statements of the parties during this period. After 15 days the petitioner went to the house of respondents NO.4 and 5 but they said that wait for some time and they did not allow the petitioner to talk with his wife Amandeep Kaur. Thereafter, many times the petitioner contacted respondents No.4 and 5 but they kept making excuses one or the other and did not allow the petitioner to meet his wife. Ultimately in the 2nd week of August, 2018, all the family members of the petitioner met the Sarpanch of the village of respondents No.4 and 5 and told him the entire story then the Sarpanch of their village met respondents No.4 and 5 and then they again assured that very soon they will send Amandeep Kaur alongwith the petitioner. But now they have flatly refused to send Amandeep Kaur to the house of the petitioner for the reason that their caste is different and they are not happy with their marriage and now they cannot perform their marriage again due to their caste difference. Amandeep Kaur wants to come back with the petitioner but her mother and brother did not allow her and she is under their pressure.”

A bare perusal of the above said paragraph shows that

Amandeep Kaur has gone with her mother with the consent of the petitioner and it cannot be said that she was kept illegally by her mother and brother.

To the mind of this Court, the filing of this petition is an abuse and misuse of the process of law. Accordingly, the present petition is dismissed with costs of ₹ 25,000/- to be paid to the wife of the petitioner namely Amandeep Kaur.

September 10, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

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