

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

CRWP No.812 of 2018.
Decided on:-October 30, 2018.

Sachin Kumar.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Shivam Grover, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of habeas corpus and to appoint a warrant officer so as to visit the spot where the detenue i.e. respondent No.3, who is in illegal custody of respondents No.4 and 5 and to set her at liberty forthwith.

The marriage between the petitioner and respondent No.3 was solemnized on 29.06.2009 and the parties resided together at Ambala. Out of this wedlock, one male child was born on 11.08.2010 and one female child was born on 22.11.2013. In the month of March, 2018, the respondent No.4 (father-in-law of the petitioner) retired from Excise and Taxation Department, Haryana for which a retirement party was organized. However, the petitioner and respondent No.3 could not attend the said party due to unavoidable

circumstances. Further, in April 2018, the respondents No.4 and 5 called the respondent No.3 and she (respondent No.3) left her matrimonial home without informing the petitioner. Respondent No.3 has refused to come back at her matrimonial home on flimsy grounds.

Having heard learned counsel for the petitioner and perusing the paper book, it is apparent that the respondent No.3 had left her matrimonial home because of some matrimonial dispute between her and the petitioner. Therefore, in case she has been living at her parental home with respondents No.4 and 5, it cannot be said that she is in the illegal custody of her own parents.

Thus, this Court finds that there is not merit in the present petition and the same is, accordingly, dismissed.

October 30, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No