

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRWP No.816 of 2018

Date of Decision: 01.11.2018

Gurjant Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Ajay Kamraj, Advocate for
Mr. G.S. Saini, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of *habeas corpus* directing the respondent no.3 to get his wife namely Pooja Rani released from the illegal custody of respondent no.4, who is father of the alleged detenue.

Pursuant to order 04.10.2018, the petitioner has filed his affidavit in Court, which is taken on record.

As per the averments made in this petition, the petitioner had solemnised his marriage with the alleged detenue namely Pooja Rani on 23.06.2018, however, she is in the illegal custody of respondent no.4 since 29.09.2018.

Having heard learned counsel for the petitioner, this Court finds that the custody of Pooja Rani with respondent no.4 is not illegal, as respondent no.4 is the father of alleged detainee and therefore, no such writ in the nature of *habeas corpus* can be issued against father. This Court under Article 226 of the Constitution of India cannot facilitate recovery of wife of the petitioner/detainee, particularly when she is residing with her parents.

Dismissed.

However, the petitioner may avail any other appropriate remedy, as available to him under law.

November 01, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No