

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

**Criminal Writ Petition No.891 of 2018
Date of Decision: 02.11.2018**

Harman

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. R.S. Chauhan, 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* so as to get the detinue namely Preet, wife of the petitioner, released from the illegal custody of respondent no.4.

It is the case of the petitioner that marriage of the petitioner and Preet, the detinue was solemnized on 10.09.2018 against the wishes of the parents/relatives of the detinue, for which, they approached this Court by way of CRM-M-40604-2018 to seek protection of their life and liberties. The said petition was disposed of vide order dated 14.09.2018 passed by this Court and protection was granted.

Learned counsel for the petitioner has argued that since the detinue is in the illegal custody of respondent no.4, the petitioner along with respectable persons visited the house of respondent no.4 to take the detinue back, but respondent no.4 has not given any satisfactory reply.

There was oral compromise between the petitioner and respondent no.4 before the panchayat, whereby respondent no.4 had agreed to release the detenue on the next day, but still she has not been released by respondent no.4.

On a specific query, as to whether the allegations regarding rape on the detenue by respondent no.4, are substantiated with any evidence or case is registered against accused, no such material has been shown. However, it is argued that the petitioner is the husband of the detenue and therefore, he is entitled to get her released from the illegal custody of respondent no.4.

Having heard learned counsel for the petitioner, this Court finds that the order dated 14.09.2018 passed by this Court has clearly recited the protection so granted, would not *ipso facto* amount to granting any seal of approval on the legality of their marriage which essentially would come in the domain of the concerned Matrimonial Courts. Therefore, the plea on behalf of the petitioner that the detenue is the legally wedded wife of the petitioner has no force.

Prayer of the petitioner is totally misconceived.

Dismissed.

However, the petitioner is at liberty to have recourse to the appropriate remedies available to him under the law.

November 02, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No