

248.

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

CRWP-943-2018

Date of decision:29.11.2018

RAHUL

... Petitioner

versus

STATE OF HARYANA & OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Munish Kumar Garg, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana,
for respondents No.1 to 4.

Mr. Shilak Ram Hooda, Advocate,
for respondent No.5.

HARI PAL VERMA, J.(Oral)

Prayer in this criminal writ petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of habeas corpus directing the respondents No.1 and 4 to get the detenue-Rashmi (wife of the petitioner) released from the illegal custody of respondents No.5 to 10.

On notice of motion having been issued in the case, learned State counsel has filed reply by way of affidavit of Dr.Ravinder, HPS, Deputy Superintendent of Police, City, Sonipat, in court today on behalf of respondents No.1 to 4, which is taken on record. The reply is accompanied with the statement of Rashmi i.e. the alleged detenue, wherein she has stated

that she is not illegally confined by anybody, rather she is residing with her parents at her own free will. So far as the other family members/uncles are concerned, they are residing separately and have no interference in their family matters. She has further stated that she is not inclined to go with Rahul (petitioner herein). Neither she wanted to stay with the petitioner nor she intends to go with him.

Similarly, reply has also been filed on behalf of respondent No.5. The reply is accompanied with a copy of Divorce Letter dated 28.11.2017. The Divorce Letter, not only contains the photograph of the petitioner pasted over it, rather he has signed this document as well in the presence of witnesses i.e. Iqbal son of Kamrudin and Popin son of Sirajudin.

Heard.

Rashmi, the alleged detainee has made a categorical statement that she is not in the illegal custody of the private respondents and she is happily residing with her parents, therefore, present petition is liable to be dismissed on this score alone. At the time when the present petition was presented, the factum of Divorce Letter, which was duly signed by the petitioner and was in his knowledge, was never brought to the notice of this Court, rather it was conveniently withheld by the petitioner. This Court finds that the petitioner has not approached this Court with clean hands.

Since the petitioner has not approached this court with clean hands, has not right to be heard on merits. On the basis of averments so made by petitioner, this Court has summoned the respondents in the case. But considering the fact that because of the concealment of the fact, the petitioner has succeeded in bothering everybody including the parents/uncles

costs of Rs.25,000/- to be deposited with the Haryana Legal Services Authority within 2 months from today.

Registry to put up the case after expiry of aforesaid period.

(HARI PAL VERMA)
JUDGE

29.11.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No