

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-189-2019

Date of Decision: 31.05.2019

Dheeraj

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. J.P. Jangu, Advocate for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Rajpal Singh Chauhan, Advocate for
Mr. Johan Kumar, Advocate
for respondent Nos.4 to 6.

...

Inderjit Singh, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for releasing the detainee, who is the wife of the petitioner from the illegal detention of respondent Nos.4 to 6.

Notice of motion was issued.

Learned State counsel and counsel for respondent Nos.4 to 6 appeared and contested this petition.

Alleged detainee Himanshi is present in the Court. I have satisfied myself by putting questions and reached to conclusion that the detainee is in a position to give statement voluntarily before this Court. She states that she is residing with her parents as per her own wish. Nobody has illegally detained her. She does not know as to why the petitioner has filed this petition and whatever is written in the petition that is false.

I have gone through the petition filed by the petitioner earlier to this petition before the Family Court, Rewari under Section 9 of the Hindu Marriage Act, 1955 in which the petitioner himself has stated that under the influence of her father, respondent No.1 i.e. detenue used to quarrel with the petitioner. She never followed his instructions. She always refused to do household work at her matrimonial home. From this, It is clear that there is a matrimonial dispute between the parties and this petition has been intentionally filed just to harass the detenue.

In view of the statement of the detenue, this petition is dismissed with costs of ₹50,000/- it being false and frivolous in nature and filed just to harass the detenue.

The petitioner is directed to deposit costs with ld. CJM/Duty Magistrate, Palwal within two months from today which shall be paid to detenue Himanshi.

If petitioner fails to deposit the costs within the stipulated period, then ld. CJM, Palwal is directed to get it recovered as arrears of land revenue from the petitioner to be paid to the detenue as per law. Report regarding the recovery of the amount from the petitioner and payment to the detenue be sent to this Court.

31.05.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No