

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.405 of 2019

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Date of decision:10.05.2019

Anil Kumar

...Petitioner

v.

Union Territory of Chandigarh and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. I.P.S. Mangat, Advocate for the petitioner.

Ms. Ashima Mor, APP, U.T., Chandigarh.

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Inderjit Singh, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the respondents to get released detainee Sonam, Lovish and Kanish from illegal detention of respondents No.4 to 7, with immediate effect and for issuing direction to appoint a Warrant Officer without cost to the petitioner, in the nature of roving writ, to search and produce the detainee from the place pointed out/disclosed by him at that time as per the peculiar facts and circumstances of the case.

Notice of motion was issued in this case.

Respondent No.3-SHO, Police Station Sector 24, Chandigarh

was directed to visit the house of the private respondents and make enquiry

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as to whether detenue-Sonam along with children has been illegally detained by them against her wishes. If it is found so, then they be produced immediately before this Court. Otherwise, a detailed report be submitted on the date fixed.

Now detailed report has been submitted. Learned APP for the U.T., Chandigarh has brought it to my notice that earlier the petitioner has filed missing report and statement of detenue Sonam was recorded in the presence of the petitioner on 21.4.2019, where she stated that as the petitioner was maltreating her, therefore, she is residing with her parents at her own will. After this, Habeas Corpus petition was filed knowing well regarding the earlier proceedings and the fact that the detenue along with children were residing with her parents with her own consent. Now the statement of Anil Kumar-petitioner has also been recorded. Sonam has also given the affidavit and has also filed an application to the SHO, Sector 24, Chandigarh.

Petitioner Anil Kumar is present in the Court. He admitted the fact that he had gone with the Police on the missing report to Muzaffarnagar (U.P.), where the detenue has made a statement that she is residing with her parents as per her own wish. As the detenue along with her children is residing with her parents as per her own wish and has not been illegally detained, therefore, this petition is dismissed.

However, as the petitioner was knowing these facts and has filed this frivolous petition having the knowledge that the detenue along with her children is residing with her parents as per her own wish, therefore, the petitioner is directed to deposit ₹15,000/-, as costs payable to the

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detenue-Sonam within one month from today, with the Chief Judicial Magistrate, Chandigarh. If the amount is not deposited within the aforesaid period, then the Chief Judicial Magistrate, Chandigarh will get it recovered from the petitioner as the arrears of land revenue and the amount be paid to detenue Sonam.

May 10, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No