

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-475-2019

Date of Decision: 28.05.2019

Tirath

.. Petitioner

Vs.

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Udeyveer Singh Rana, Advocate for the petitioner.

Mr. Sulinder Singh, AAG, Haryana.

...

Inderjit Singh, J. (Oral)

This petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for releasing the detenue from the illegal detention of respondent Nos.4 and 5.

Notice of motion was issued.

Respondent No.3-SHO, Police Station Kaithal City, District Kaithal was directed to visit the house of respondent Nos. 4 and 5 and find out as to whether detenue Malkitto is residing there with her own consent or has been confined illegally by respondent Nos.4 and 5. If it is found so, then she be produced immediately before this Court. Otherwise, a detailed report be submitted.

Statements of the detenue recorded by the police have been placed on record by learned State counsel.

Alleged detenue Malkitto is present in the Court. She made the statement before this Court that she is residing with her parents and has

come from her parents house. She has not been illegally detained by anybody. She does not know the petitioner Tirath.

In view of the statement of the detainee, this petition is dismissed with costs of ₹40,000/- being frivolous and filed just to harass the detainee and the private respondents.

Vide order dated 22.05.2019, the petitioner was directed to deposit ₹20,000/- with the Registrar General of this Court and in compliance thereof, he has deposited the same as per office report. The said amount be disbursed to the detainee against proper receipt and identification.

The petitioner is directed to pay remaining amount of ₹20,000/- with ld. CJM/Duty Magistrate, Kaithal within one moth from today which shall be paid to detainee Malkitto.

If petitioner fails to deposit ₹20,000/- within the stipulated period, then ld. CJM, Kaithal is directed to get it recovered as arrears of land revenue from the petitioner to be paid to the detainee as per law.

28.05.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No