

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-494-2019

Date of Decision: 03.07.2019

Sanjay

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Petitioner Sanjay in person with
Mr. Sunil Kumar Dhanda, Advocate.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

Mr. Prashant Sethi, Advocate
for respondent No.4.

...

Inderjit Singh, J. (Oral)

This is a petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for releasing detenue Seema from the illegal custody of respondent Nos.4 to 9.

Notice of motion was issued.

Respondent No.3-SHO, Police Station Moonak, District Sangrur was directed to visit the house of respondent Nos. 4 to 9 and make enquiry as to whether detenue Seema is residing there with her own consent or has been confined by respondent Nos. 4 to 9 illegally and forcibly. If it is found so, then she be produced immediately before this Court. Otherwise, a detailed report be submitted.

Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Moonak on behalf of respondent Nos.1 to 3-State has been

filed. Same has been taken on record.

Alleged detainee-Seema has been produced before this Court. She states that she is residing with her parents as per her own consent. She has not been illegally detained by them.

Learned counsel for respondent No.4 and the detainee state that this petition has been filed just to harass the detainee as she is residing with her parents since long and divorce petition has already been filed against the present petitioner in which he has not appeared so far. Learned counsel for respondent No.4 further argued that earlier habeas petition was filed by one Sony Singh and at that time, the present petitioner was also present in this Court and was fully knowing that the detainee was residing with her parents as per her own wish. He argued that special costs be imposed because the petitioner has filed this petition to harass the detainee.

After hearing the petitioner in person, his counsel, learned State counsel as well as counsel for respondent No.4 and after going through the record and in view of the statement of detainee-Seema made before this Court, on the face of it, I find that this petition has been filed to harass the detainee.

It was also made clear in the last order that if it is found that detainee Seema is residing with her parents as per her own wish and has not been illegally detained and this petition has been filed just to harass her then heavy costs shall be imposed.

In view of above, the instant petition is dismissed with costs of ₹50,000/-. The petitioner is directed to deposit costs with Id. CJM/Duty Magistrate, Sangrur within one month which shall be paid to detainee Seema.

If petitioner fails to deposit the costs within the stipulated

period, then Id. CJM, Sangrur is directed to get it recovered as arrears of land revenue from the petitioner to be paid to the detinue as per law and send the report after three months regarding depositing/recovering of the compensation amount.

03.07.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No