

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

CRWP No.588 of 2019 (O&M)

Date of Decision: July 15, 2019

Aakash Bansal

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.L.S.Sekhon, Advocate
for the petitioner.

Mr.Prabhjot Singh Walia, AAG, Punjab
for the respondent-State.

Mr.Shilesh Gupta, Advocate
for respondent No.4.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition against State of Punjab and other respondents under Article 226 of the Constitution of India in the nature of Habeas Corpus for directing respondents No.1 to 3 to get released detenue namely Pooja Bansal, wife of petitioner, from the illegal detention of respondents No.4 to 7.

Notice of motion was issued. Learned State counsel as well learned counsel for respondent No.4 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that on the last date, this Court has

directed the Senior Superintendent of Police, Bathinda to depute any police officer/official to visit the house of private respondents No.4 to 7 to make enquiry as to whether detenue-Pooja Bansal is residing with her own consent or has been detained illegally and forcibly. It was also made clear that if the detenue is found residing with her parents as per her own wish and this petition is found to be filed just to harass her, then heavy costs shall be imposed.

Today, report has been filed by the State along with statement of detenue-Pooja Bansal aged about 24 years. Same is taken on record. In the statement, detenue stated that she is residing at the given address as there is dispute between her and her in-laws from many months. That is why, she is residing at homeland, Bathinda with her own free will, without any coercion and pressure. She further stated that she is 9 months' pregnant and she will not be safe at her in-laws house.

Further, it is clear from the record that an FIR has already been registered against the petitioner under Section 498-A IPC and it is stated in the petition that petitioner went to the Court for filing divorce petition, which shows that present petition has been filed just to harass detenue Pooja Bansal, who is now at the mature stage of pregnancy.

Keeping in view the above facts and circumstances and in view of the fact that present petition has been filed to harass the detenue, the same is dismissed with the costs of ₹50,000/- to be deposited with learned CJM, Bathinda within one month, which shall be paid to the detenue, as per rules. It is also made clear that if the costs is not deposited within specified time, then learned CJM shall get it recovered as arrears of land

send the report after two months regarding depositing/recovering the above-said amount and payment thereof to the detainee.

July 15, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No