

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.661 of 2019

DATE OF DECISION: AUGUST 16, 2019

MALWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. DAMAN JEET BHORIWAL, ADVOCATE
FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

The petitioner has preferred the instant criminal writ petition for issuance of a writ in the nature of *habeas corpus* for release of detenu Komal, who is alleged to be in illegal detention of respondents No.5 to 7, mother and brothers of the detenu, respectively.

Learned counsel contends that the petitioner and detenu were in a love affair and in the month of January, 2019 respondent No.5 (mother of the detenu) fixed their engagement and the marriage was to be solemnized in the month of August, 2019. But now respondent No.5 has refused to perform their marriage and has kept the detenu in illegal custody.

After hearing learned counsel for the petitioner, this Court is of the opinion that mere breach of promise on the part of the detenu or her parents cannot be a ground to entertain the petition for issuance of a writ in the nature of *habeas corpus*. The parents are the natural guardian of the alleged detenu and this Court does not find any valid reason to invoke the

extraordinary jurisdiction of this Court under Article 226 of the Constitution of India as prayed for by the petitioner.

Resultantly, the petition is dismissed.

August 16, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No