

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

247

CRWP-8346-2020

Date of decision: 09.11.2020

Shavez Ahmad

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jaswinder S. Bagga, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab
for respondents No.1 to 3-State.

Mr. Dinesh Sharma, Advocate
for respondents No.4 to 7.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for the search and release of detenue Suhela Zareen wife of the petitioner and directing the respondents to produce the detenue before this Court.

The petition has been filed on the averments that the petitioner had solemnized marriage with detenue Suhela Zareen in accordance with Muslim rites and ceremonies on 26.04.2019. Respondents No.4 and 5 parents of detenue Suhela Zareen took her with them, have illegally detained her and are not disclosing her whereabouts. The petitioner made representation dated 26.09.2020 to Incharge, Police Chowki, Baltana but no action has been taken by the police.

The petition has been opposed by learned State counsel for

respondents No.1 to 3 although no written reply/status report has been filed by respondents No.1 to 3.

Mr. Dinesh Sharma, Advocate has put in appearance on behalf of respondents No.4 to 7 and has filed his power of attorney through special messenger which is taken on record.

Learned State counsel for respondents No.1 to 3 has submitted that statement of detainee Suhela Zareen was recorded by HC Malkeet Singh, Police Post Baltana, Police Station Zirakpur. In her statement, detainee Suhela Zareen stated that she is living with her parents and brothers out of her own free will and she has not been detained by her parents and brothers.

Detainee Suhela Zareen is also present before this Court through video conferencing and on being asked by this Court, she has submitted that she is living with her parents and brothers out of her own free will and she does not want to join the petitioner as the petitioner used to maltreat her.

In view of statement of detainee Suhela Zareen, she cannot be said to have been illegally detained by respondents No.4 to 7.

Confronted with this factual situation, learned counsel for the petitioner has submitted that the petition may be dismissed as withdrawn with liberty to the petitioner to avail appropriate remedies in accordance with law for redressal of his grievances.

Dismissed as withdrawn with liberty as aforesaid.

09.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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