

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

126

CRWP-9714-2020
Date of decision: 27.11.2020

Aniket Saini

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Harmanpreet Kaur (Simmi), Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G., Haryana
for respondents No.1 to 3.

Respondent No.4 in person.

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 release of his wife Vaishnavi and minor daughter Chitra from illegal custody of respondents No.4 to 7.

The petition has been filed on the averments that the petitioner got married to detainee Vaishnavi on 01.05.2018 against the wishes of her parents. Both of them filed CRM-M-18919-2018 titled as 'Vaishnavi and another Vs. State of Haryana and others' for protection of their life and liberty which was disposed of by this Court vide order dated 04.05.2018. The family members of the detainee continuously harassed the petitioner and his family members and got false FIR registered against the petitioner. The petitioner was granted bail by this

Court vide order dated 13.03.2019 passed in CRM-M-10743-2019 titled as 'Aniket Saini Vs. State of Haryana'. Respondents No.4 to 7 took the wife and minor daughter of the petitioner on 20.11.2020 when the petitioner and his father were not at home and thereafter illegally detained them. The petitioner made representation dated 21.11.2020 (Annexure P-4) to the In-charge Police Post, Police Station, Pehowa but no action has been taken on the same.

Vide order dated 23.11.2020, while issuing notice of motion, respondent No.2-Senior Superintendent of Police, Kurukshetra was directed to ensure the presence of detainee Vaishnavi before this Court through video conferencing.

In compliance with the above said order, respondent No.2-Senior Superintendent of Police, Kurukshetra has caused the presence of detainee Vaishnavi before this Court through video conferencing.

Respondent No.4 has also put in appearance in person through video conferencing.

As per office report, respondents No.5 to 7 have been served but none has appeared on their behalf.

On being asked, detainee Vaishnavi has stated that she is living with her maternal uncle Vivek Gautam with her own free will and she and her minor daughter have not been illegally detained by respondents No.4 to 7 or anyone else.

Since detainee Vaishnavi along with her minor daughter is living with her maternal uncle out of her own free will and cannot be said to have been illegally detained by respondents No.4 to 7 or any other person, no further action is required to be taken on the present

habeas corpus petition which is disposed of accordingly.

However, the petitioner shall be at liberty to seek redressal of his grievances by availing judicial remedies available to him in accordance with law, if so desired.

27.11.2020

(ARUN KUMAR TYAGI)

Vinay

JUDGE

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