

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-9719-2020

DATE OF DECISION: NOVEMBER 23, 2020

PARDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. TARUN SHARMA, ADVOCATE
FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition under Article 226 Constitution of India for seeking issuance of a writ in the nature of habeas corpus for release of his wife who is illegally detained by respondents No.4 to 10.

Learned counsel for the petitioner has submitted that the alliance of the petitioner and his wife was opposed by the father of the girl (respondent No.4), who after their marriage had agreed to perform their marriage again and to send her with petitioner with honour. He contends that said promise was not kept and the private respondents have illegally detained his wife and therefore, prays for issuance of a writ in the nature of habeas corpus.

During the course of hearing, it is not disputed by learned counsel for the petitioner that after the alleged marriage on 2.11.2019, his wife willingly left his company and started living with her parents.

After hearing learned counsel for the petitioner, this Court finds

that the material pleadings which are contained in paragraph 3 of the writ petition do not contain the relevant particulars. Paragraph 3 of the petition reads as under:-

“3. That after the marriage both the petitioner and detenue happily cohabited as husband and wife at the house of petitioner at Village Kamaldin Niazi, Khai PHEME Ki, Tehsil and District Ferozepur. Thereafter the private respondents convened the panchayat and pleaded before the petitioner and his family members that though the petitioner and detenue have solemnized their against the wishes of private respondents, they will not harm the petitioner or detenue. Further the private respondents assured that they want to again perform marriage ceremony by inviting their common relatives and friends so the petitioner may allow the detenue to accompany the private respondents. Otherwise the respondents will have to face ignominy in the eyes of general public and relatives. Believing the private respondents, petitioner allowed the detenue to accompany the respondents. Further it was settled that when the petitioner will come back from Baharin. The said marriage ceremony will be solemnized by inviting the relatives and friends within a week from the date of return of petitioner.

Besides, it is the case of the petitioner himself that he had left

India on 23.11.2019 and returned recently only on 9.10.2020. It is clear that

the averment in the petition that they both cohabited together as husband and wife at the house of the petitioner is also not true.

Since alternative remedy is available with the petitioner, therefore, this Court does not find any reason to exercise the extraordinary writ jurisdiction.

Petition is dismissed.

November 23, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No