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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1860-2019

Date of decision-22.01.2020

William

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.K.Bhatti, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-William has filed this criminal writ petition under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus directing the respondent to produce-Manpreet Kaur (wife of the petitioner) who is presently in custody of respondent Nos.4 and 5.

On 09.12.2019, the following order was passed:-

“Notice of motion.

On the asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of respondent-State. Counsel for the petitioner undertakes to supply requisite sets of paper book to him, during the course of the day.

Let the detenue, namely, Manpreet Kaur, who is allegedly in custody of respondent Nos.4 and 5 be

produced on the next date of hearing.

Adjourned to 17.12.2019.”

Today, learned State counsel has produced the alleged detainee, Manpreet Kaur who is present in the Court along with her parents. After hearing the petitioner, the parties were allowed to interact with each other and after sometime case was taken up again.

Learned counsel for the petitioner contends that the girl is willing to join the company of her husband.

On the other hand, father of the detainee, who is present in Court has apprised that the girl had left the house for taking the exam and the petitioner on telephone informed him that he has married his daughter. The petitioner sent him marriage photograph on mobile phone.

During the course of hearing, Mr. Bhatti on instructions from the petitioner has stated that the girl was allowed to go back to live with her parents. A perusal of the petition also reveals that the girl willingly went back to her parents house and since then is residing with them.

After hearing learned counsel for the parties and considering the stand of the parties, the girl-Manpreet Kaur appears to be uncertain regarding joining the company of the petitioner. Therefore, in the given facts and circumstances of this case, the custody of the girl with her parents cannot be construed as an illegal custody and therefore, it will not be safe to exercise the extraordinary writ jurisdiction under Article 226 of the Constitution of India, as the petition is founded on disputed facts.

Resultantly, petition fails and stands dismissed. However, it

shall be open for the petitioner to avail an appropriate remedy under the provisions of the Hindu Marriage Act, 1955.

(MANOJ BAJAJ)
JUDGE

22.01.2020
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No