

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

209

CRWP-5139-2021 (O&M)

Date of decision: 07.06.2021

SAURAB

...Petitioner

Versus

THE STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Navraj Singh, Advocate for the petitioner.
Mr. HS Grewal, Addl. AG, Punjab.

ANIL KSHETARPAL, J. (Oral)

On 04.06.2021, the following order was passed:-

The instant criminal writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ of Habeas Corpus for appointment of a warrant officer to raid the premises of the private respondents and to recover the detenue namely Bharti Bagla (wife of the petitioner) from their illegal confinement as also for issuance of directions to the official respondents to produce the detenue before this Court.

It is contended that the marriage of the petitioner and detenue was solemnized on 19.11.2020 according to the Hindu rites and ceremonies against the wishes of the private respondents and since then they were living together as husband and wife in the house of the petitioner. There is no child from the wedlock. The petitioner and the detenue had earlier approached this Court vide CRWP No. 9765 of 2020 seeking protection of their life and liberty on the hands of private respondents and the same was disposed of vide order dated 25.11.2020 with direction to the SSP concerned to decide their representation. Now, the private respondents took the detenue to their house on the pretext of ill health of detenue's mother and after taking her with them, they started pressurizing her to take divorce from the petitioner. The petitioner tried hard to talk with the detenue but the private respondents did not allow him to talk to her. The petitioner received a text message from the detenue that she was in a very difficult situation and the private respondents had confined her forcibly and illegally. Thus, apprehending danger to the life

and liberty of the detenue, the petitioner has approached this Court with the instant petition.

Notice of motion.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab accepts notice on behalf of the official respondents and he is directed to apprise about the factual aspects.

Learned counsel for the petitioner is directed to supply a copy of the petition to learned State counsel during the course of the day.

Let status report/reply by way of affidavit be filed by the State on or before the next date of hearing i.e. 07.06.2021.

In the meantime, notice to private respondents No. 4 to 7 be also issued for the date fixed.

Mr. HS Grewal, Addl. AG, Punjab, has submitted that wishes of

Ms. Bharti Bagla have been ascertained and she wants to stay with her parents and not with the petitioner.

Keeping in view the aforesaid facts, the present petition is disposed of with liberty to the petitioner to file an appropriate petition before the concerned Magistrate.

07.06.2021

(ANIL KSHETARPAL)

ashok

JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No