

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

CRWP-5133-2021 (O&M)

Date of decision : 04.06.2021

Yash Pal

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Rosi, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus with a direction to respondent Nos.1 to 3 to search for the detainee Suman (live-in-partner of the petitioner herein).

Learned counsel for the petitioner would contend that the petitioner and the detainee were in a live-in relationship and had approached this Court for protection of their life and liberty by filing CRWP No.4660 of 2021. Vide order dated 21.05.2021, the matter was referred to a Larger Bench of this Court to decide the following questions:-

“1. Where two persons living together seek protection of their life and liberty by filing an appropriate petition, whether the Court is required to grant them protection, per se, without examining their marital status and the other circumstances of that case?

2. If the answer to the above is in the negative, what are the circumstances in which the Court can deny them protection?

Learned counsel for the petitioner would further contend that meanwhile the said Suman has been abducted and her whereabouts are unknown.

Notice of motion.

On the asking of the Court, Mr. Rajneesh Chadwal, AAG Haryana, who has joined the session through video conferencing, accepts notice on behalf of respondent Nos.1 to 3. He on instructions from Inspector Arjun, SHO, Police Station Sadar Ballabhgarh, has stated that the detinue is happily residing with her parents. It has further been pointed out that the said detinue Suman is the sister-in-law of the petitioner as her sister is married to the petitioner. He has further stated that the petitioner has not taken a divorce from his first wife i.e. sister of the detinue. Learned State counsel has pointed out that FIR No.289 dated 15.05.2021 has been registered against the petitioner under Sections 363/366 of the Indian Penal Code, 1860 in which the statement of the detinue has been recorded under Section 164 of the Code of Criminal Procedure, 1973 wherein she has stated that she wishes to reside with her parents.

In view of the above, no further orders are required to be passed in the present petition. Accordingly, the same is dismissed as having been rendered infructuous.

04.06.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO