

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-5302-2021

DATE OF DECISION: 29.06.2021

RAJAT

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kawalpreet Singh Virk, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking a writ in the nature of habeas corpus, directing the respondents No.1 to 3 to produce the alleged detainee namely Harman Devi, who is the wife of the petitioner.

A coordinate Bench of this Court on 18.06.2020, had passed the following order:-

“Learned State counsel, at the outset, under instructions from SI Balbir Kaur, who is posted in police station of the area concerned where the detainee is currently residing with her parents, informs this Court that she is residing with her parents out of her own free will. She is not under any forcible detention as has been alleged in the petition. He further submits that detainee has suffered a statement to the same extent before the sub Inspector. Let copy of the said statement be supplied to the learned counsel for the petitioner through email in course of the day.

As regards the allegation of the petitioner that he is the husband of the alleged detainee and she is not being allowed to live at her matrimonial house, prima facie I am of the view that petition is not maintainable and he is at liberty to seek appropriate remedy including Section 9 of the Hindu Marriage Act, 1955.

Learned counsel for the petitioner submits that even instituting restitution proceedings would be of no avail, since his wife would not be allowed by her parents to appear in the Court. It is likely that she would be proceeded ex parte at the instance of her parents and he would be rendered remediless to seek restitution of his conjugal rights. He further submits that being

the husband, he is entitled to live with his wife and his wife is being kept under forcible detention by her parents.

In the peculiar circumstances, the Station House Officer of the area concerned shall make arrangements to make the detainee join the next Court hearing through video conferencing for recording her statement i.e. whether or not she is staying with her parents on her own will or is being kept under detention.

Adjourned to 29.06.2021.”

The detainee namely Ms. Harman Devi has joined the video proceedings. She has been identified by SI Balbir Kaur who is also present along with her. Harman Devi states that she is residing at her parental home at her own will and without any pressure or coercion.

Therefore, as the alleged detainee is residing with respondents No.1 to 3 at her own will and without any pressure or coercion, I do not find any merit in this petition which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

29.06.2021

SwarnjitS

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