

128.

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

**CRM-W-162-2021 IN/AND
CRWP-8824-2020**

Date of decision: 11.02.2021.

NIRMAL KAUR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Petitioner in person.

Mr. Avtar Singh Sandhu, Additional Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-W-162-2021

Prayer in this application filed under Section 482 Cr.P.C. is to prepone the date of hearing of the petition and to grant permission to withdraw the present petition, which is otherwise fixed for hearing on 24.02.2021.

For the reasons stated in the application, same is allowed and the hearing of the petition is preponed and the same is taken on board today itself.

CRWP-8824-2020

Prayer in the present petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for the release of Krishan Dev (detenue), who is husband of the petitioner and is in illegal custody of respondent No.4.

Status report by way of affidavit of Jagdish Raj, PPS, Deputy Superintendent of Police, Sub-Division City, Hoshiarpur, has been filed and in para 6, it is submitted that the parties are in matrimonial dispute and the alleged detinue Krishan Dev is residing in Rukmani Niwas House, street No.8, Roop Nagar, P.S. Model Town, Hoshiarpur and has appointed respondent No.4-Rama Rani as his caretaker. The relevant para 6 of the status report reads as under:-

“6. That it is humbly submitted that during the investigation it was found that Krishan Dev husband of the petitioner filed divorce petition against the petitioner and the same is pending in the court of Ld. Principal Judge, Family Court, Hoshiarpur for decision.

It is submitted that Krishan Dev husband of the petitioner is residing with his free will in Rukmani Niwas House situated at street No.8, Roop Nagar, P.S. Model Town, Hoshiarpur and he has appointed respondent no.4 Rama Rani as his caretaker and the respondent No.4 is residing in above said Rukmani Niwas House along with Krishan Dev husband of the petitioner as caretaker.

It is humbly submitted that the respondent no.4 also filed civil suit No.CS-576/2020 regarding the above said Rukmani Niwas House and the same is pending decision in the Hon'ble Civil Court, Hoshiarpur.”

The petitioner, who is present in person through video conferencing, seeks withdrawal of present petition.

Dismissed as withdrawn.

(HARI PAL VERMA)
JUDGE

11.02.2021

sanjeev

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No