

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-778-2019

DATE OF DECISION: SEPTEMBER 27, 2021

NIRAJ KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIPIN MAHAJAN, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Article 226 Constitution of India in the nature of Habeas Corpus for release the detenue (wife of the petitioner, namely, Renu Bala) from the illegal custody of respondent No.4.

Learned counsel for the petitioner has argued that the petitioner was married to Renu Bala on 9.10.2002 and out of this wedlock, three children were born. On 26.12.2018, the petitioner's wife went to her parental home and never returned back and her parents informed the petitioner that their daughter left the house on 27.12.2018 for joining the company of her husband and in this regard a DDR No.13 dated 31.12.2018 (Annexure P-1) was recorded. The petitioner came to know that his wife is in illegal detention of respondent No.4 and he submitted a representation dated 24.4.2019 (Annexure P-2) with a request to SHO, P.S. Mamoon Cantt. Pathankot that the wife of the petitioner be got released from custody of respondent No.4.

On 5.9.2019, notice of motion was issued to official respondents and in response, reply by way of affidavit of Rajinder Singh, PPS, Deputy Superintendent of Police (City), Pathankot was filed.

Learned State counsel has referred to the reply and submitted

that the statement of father of respondent No.4, namely, Rana Singh was recorded, who has stated that his son left the house on 28.12.2018 to visit his sister Janamjit Kaur wife of Hardip Singh, resident of Jorra Chitra and since then the whereabouts of his son are not known.

During the course of hearing, it is not disputed by learned counsel for the petitioner that he came to know that his wife left her parents' house on 27.12.2018, but the representation was submitted before the police on 24.4.2019.

After hearing learned counsel for the parties and considering the above background, it is evident that the representation Annexure P-2 itself reveals that the petitioner's wife telephonically informed him that she is reaching Pathankot, but did not come to the house and later on the petitioner came to know that she sold her mobile phone at some shop at Jodhpur (Rajasthan) and as per the record of the shopkeeper, copy of Aadhar Card of Goldy Singh was retained by him as a proof. As per the contents of the representation itself, the petitioner's wife and respondent No.4 are living together. Today, on instructions from ASI Sanjiv Kumar, learned State counsel has submitted that the efforts to trace respondent No.4 have not yielded any result as their whereabouts are not known.

In view of the above, it is clear that the wife of the petitioner does not seem to be in illegal detention and therefore, no case is made out for exercise of extraordinary writ jurisdiction.

Dismissed.

September 27, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No