

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-4263-2022

DATE OF DECISION: MAY 5, 2022

ANKUR GHAI

...PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SUNNY K. SINGLA, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

This criminal writ petition has been filed under Article 226 Constitution of India for issuance of writ in the nature of Habeas Corpus directing respondent Nos.1 to 3 to get the detenu, namely, Gaganpreet Kaur, who is legally wedded wife of the petitioner, released from the illegal custody of respondent Nos.4 to 8.

Learned counsel for the petitioner has argued that the detenu, namely, Gagapreet Kaur (wife of the petitioner) had entered into a valid marriage with the petitioner against the wishes of her parents and their alliance was opposed by the private respondents. He submits that the petitioner along with his wife was residing happily, but the private respondents forcibly took away his wife on 14.4.2022, therefore, he is constrained to invoke the extra ordinary writ jurisdiction of this Court to seek her custody and the writ in the nature of habeas corpus be issued.

After hearing the learned counsel for the petitioner and considering the above background, this Court finds that since the daughter

is residing with the parents, therefore, it cannot be construed at the instance of the petitioner that she is residing with strangers and is in illegal detention. The Court is of the opinion that the case of the petitioner is founded upon disputed facts. The petitioner has failed to show any document on record that he ever approached the appropriate Authorities for redressal of his grievance raised in this petition after 14.4.2022, till the filing of this petition. Therefore, no case is made out for exercising the extraordinary writ jurisdiction, as the petitioner can very well avail alternative remedy, in accordance with law.

Dismissed.

May 5 , 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No