

281
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-4873-2022
Date of Decision: 29.11.2022

HAR KISHOR

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: None for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The matter has been passed over thrice but nobody has caused appearance on behalf of the petitioner.

A perusal of the earlier two orders would show that on the earlier two occasions as well nobody had caused appearance on behalf of the petitioner.

In view of the aforesaid position, this Court would proceed with this case even in the absence of the learned counsel for the petitioner.

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Habeas Corpus directing the respondent Nos. 2 and 3 to recover the daughter of the petitioner who is stated to be of the age of 17 years and 4 months from the illegal detention of respondent Nos. 4 to 7.

This Court had issued notice of motion on 19.05.2022 and the learned State counsel had prayed for some time to file status report.

Learned State counsel has stated that a reply by way of affidavit has been filed by the State and while referring to para No.5 of the reply, he has submitted that on inquiry it was found that the daughter of the petitioner in fact got married with respondent No.4 namely Amit and their marriage was also registered on 16.06.2022 in the office of Marriage Registration Officer and apart from the same, the daughter of the petitioner namely Khushbu and the aforesaid Amit Kumar (respondent No.4) also filed a writ petition No.17954 of 2022 before the Hon'ble Allahabad High Court for directions to the respondents not to interfere in their peaceful matrimonial life which was allowed on 30.06.2022. He further submitted that the aforesaid girl namely Khushbu has already attained the age of majority and is above 18 years of age and since she has already got married with respondent No.4 and rather sought protection from the Hon'ble Allahabad High Court, the present petition in which prayer has been made seeking grant of Habeas Corpus is not sustainable since it cannot be said to be illegal custody of the aforesaid girl.

I have heard the learned counsel for the State and has also perused the reply filed by the State.

The daughter of the petitioner namely Khushbu is stated to be major and as per the affidavit, she has got married with respondent No.4 and rather sought protection from the Allahabad High Court in this regard. Therefore, it cannot be said that the daughter of the petitioner is in illegal

custody of respondent Nos. 4 to 7.

In view of the aforesaid position, no further orders are called for and therefore, the present petition is hereby dismissed.

29.11.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No