

277
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-5373-2022
Date of Decision: 19.07.2022

Gurwinder Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ajay Bajaj, Advocate, for
Mr. G.L. Bajaj, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Status report has been filed by the learned Deputy Advocate General, Punjab, which is taken on record.

The present petition has been filed under Article 226 of the Constitution of India with a prayer for issuance of an appropriate writ, order or direction in the nature of Habeas Corpus for releasing of Gurjit Kaur wife of the petitioner from the illegal detention of respondent Nos. 5 to 9.

In the present case, the petitioner alleged that the detenue Gurjit Kaur was in illegal custody of respondent Nos. 5 to 9 who are the parents and relatives of the aforesaid Gurjit Kaur. Respondent No.5 is the mother, respondent Nos. 6 and 7 are brothers and respondent No.8 is the

paternal uncle and respondent No.9 is the relative of the aforesaid Gurjit Kaur. Learned counsel for the petitioner has submitted that since she is in illegal detention, she may be recovered from the aforesaid persons.

This Court had issued notice of motion on 31.05.2022 and directed the State to file status report. Today, status report has been filed by the learned Deputy Advocate General, Punjab and Ms. Jasmandeep, Advocate has also appeared on behalf of respondent Nos. 5 to 9. In the status report it has been stated in para No.3 that the aforesaid Gurjit Kaur was married with the petitioner and a detailed inquiry has now been conducted in which the aforesaid Gurjit Kaur also got recorded her statement by stating that her marriage was performed with the petitioner on 23.03.2013 and thereafter dispute arose between them and she went to her parental house at village Kasel, Police Station Sarai Amanat Khan and started living there with her father namely Jagtar Singh and she has not been forced by her parental family and she is living there with her own consent and free will. It has been further stated in the affidavit in para No.4 that the complaint which has been attached with the petition by the petitioner dated 27.05.2022 was not received in the office of the police.

Ms. Jasmandeep, Advocate, for respondent Nos. 5 to 9 has also submitted that the matrimonial dispute is going on between the Gurjit Kaur and the petitioner and petition under Section 125 Cr.P.C and some other cases are also pending in this regard and the aforesaid Gurjit Kaur is living with her parental family with her own consent.

In view of the aforesaid position, no ground is made out for interference by this Court for seeking a writ in the nature of Habeas Corpus since the alleged detainee Gurjit Kaur who is the wife of the petitioner is

living with the private respondents with her own consent and there is a matrimonial dispute which is going on between them.

Consequently, the present petition being devoid of merit is hereby dismissed.

19.07.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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