

158

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

CRWP-5508-2022

Date of decision : 02.06.2022

Kashmira Bai

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishneet Singh Kathpal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Article 226 Constitution of India for issuance of writ in the nature of habeas corpus by way of directions to respondent Nos.1 to 3 for release of detenue, namely, Manjit Kaur and her two minor children from the illegal custody of respondent No.4.

Learned counsel for the petitioner has argued that the petitioner's daughter, namely, Manjit Kaur was married to Balwinder Singh in the year 2006 and out of this wedlock, two children were born, who are presently 13 years and 11 years old. He submits that unfortunately, petitioner's son-in-law died in 2019 and thereafter, in November 2021, petitioner's daughter came in contact with respondent No.4, who gave her support and she along with her children started living with respondent No.4, as he had given an assurance that after 3-4 months, he would perform marriage with Manjit Kaur. He submits that now the daughter of the petitioner is illegally detained by respondent No.4 and prays that the writ of habeas corpus be issued for release of Manjit Kaur and her children as no action is being taken upon petitioner's representation

dated 30.04.2022 (Annexure P-1) submitted before Senior Superintendent of Police, Fazilka.

During the course of hearing, it is not disputed by learned counsel that the daughter of the petitioner along with her children willingly joined the company of respondent No.4 and started residing with him.

After hearing learned counsel for the petitioner, this Court does not find any merit in this petition as there is no averment in the writ petition or in the representation that Manjit Kaur or her children ever wanted to leave the company of respondent No.4, therefore, it cannot be inferred that the petitioner's daughter is in illegal detention. Apart from it, it is not the case of the petitioner that her daughter or grand-children contacted her to narrate the alleged maltreatment faced by them from respondent No.4 as in this regard also there is no averment in the petition. Learned counsel has further conceded that previously no complaint whatsoever was made either by the petitioner or anyone else regarding alleged miseries faced by Manjit Kaur.

Resultantly, this Court is not inclined to exercise the extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

02.06.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No