

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

Sr. No.101

CRWP-9410-2022 (O&M)

Date of decision : 30.09.2022

Amit Kumar

..... Petitioner

VERSUS

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajiv Kataria, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

This petition has been filed for issuance of a writ in the nature of Habeas Corpus directing respondents No.1 to 3 to release the detainee namely Sedigheh Zamanloueiveins from the illegal custody of respondent No.4.

A perusal of the petition shows that the detainee has been detained because she is staying in India illegally, her visa having expired. Resultantly, she has been confined in Internee Camp/Detention Centre, Amritsar. It has been so recorded in order dated 20.09.2022 passed in CM-14145-CWP-2022 in CWP-8859-2022. The said finding has been given on the basis of the record in the said writ petition and thus, the averment that the detainee has been illegally kept in custody of respondent No.4 cannot be accepted. Since, the alleged detainee is not in illegal custody, writ in the nature of Habeas Corpus cannot be issued. Thus, the petition is not maintainable and is dismissed as such.

**(SUDHIR MITTAL)
JUDGE**

30.09.2022

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No