

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-10705-2022

Date of Decision: 11.11.2022

Anurag Sharma

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Deepak Malhotra, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

Prayer in this writ petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of Habeas Corpus, to raid the premises of respondents No. 4 to 6 and to recover the detenue-Karanveer Kaur from their illegal confinement.

Learned counsel for the petitioner submits that the petitioner is in relationship with detenue-Karaveer Kaur, aged around 26 years for the last 5 years and both have decided to marry with each other in near future. The parents of the petitioner have also met the detenue and they have no objection, in case, they perform marriage with each other. In the month of March, 2022, the detenue talked with her parents and relatives regarding her relationship with the petitioner and told about her willingness to marry with the petitioner. The parents and relatives of the detenue i.e. respondents No. 4 to 6 have objected to their marriage. Parents of the petitioner have also talked telephonically with the parents

of detainee, but they refused to perform the said marriage. Respondents No. 4 to 6 started harassing the detainee-Karanveer Kaur and also gave beatings to her from the day they came to know about the relationship of detainee with the petitioner. Even her mobile phone was also taken by the private respondents. This fact was told by the detainee to the petitioner through on line messages and she also forwarded him the photographs of her condition after beating. Copies of the photographs and messages sent by the detainee to the petitioner through online on 11.09.2022 and 13.10.2022 are annexed with the petition as Annexure P-4 to P-6, respectively. On 22.08.2022, the detainee asked the petitioner to come at Bathinda bus stand to take her along with him to perform court marriage. The petitioner along with his friend Rahul went to Bathinda and waited for the detainee for whole day but she was kept in illegal custody by respondents No. 4 to 6 and did not allow her to come out of the house. There is serious apprehension in the mind of the petitioner that the detainee is under constant serious threat to her life and liberty.

Heard.

After hearing the learned counsel for the petitioner, this Court finds that the petition contains bald averments regarding apprehension of threat allegedly faced by detainee-Karanveer Kaur, as the same is not supported with any convincing material. The detainee cannot be said to be in the illegal custody as she is residing with her parents. There is no threat perception to her life and liberty. Moreover, the petitioner has no *locus standi* to file the instant petition, merely, on the basis of alleged relationship with detainee-Karanveer Kaur. Furthermore,

there is no valid and convincing material in the writ petition for exercising the extra-ordinary writ jurisdiction.

It is pertinent to mention here that earlier also the petitioner has filed similar petition bearing CRWP-10182-2022, which was dismissed as withdrawn with liberty to the petitioner file a fresh one with better particulars/memo of parties vide order dated 21.10.2022, passed by this Court.

In view of the above, I am convinced that the present petition is nothing but sheer abuse of process of law and no direction is required to be given in the present petition.

Dismissed.

November 11, 2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No