

Boota Singh and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**Present:** Ms. Roja Agnihotri, Advocate (Legal Aid Counsel)
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Kuldip Singh, Advocate
for respondent Nos.4 and 5.

NAMIT KUMAR, J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for releasing of detainee namely Kulwinder Kaur, who is living with respondent No.5.

On issuance of notice of motion, reply by way of affidavit of Palwinder Singh Sandhu, PPS, Deputy Superintendent of Police, Sub Division Jalalabad, District Fazilka on behalf of the State-respondent Nos.1 to 3 has been filed, wherein it has been stated as under:-

“2. That petitioners have filed the instant petition for issuance of writ of habeas corpus by alleging Kulwinder Kaur detainee from the illegal custody of Bhagich Singh on one hand and on the other hand in the instant petition, the petitioners have pleaded that Kulwinder Kaur has performed marriage at her own with private respondent no.4 and both of them are giving threats to the petitioners and their family member and therefore the instant petition is misuse of process of this Hon'ble court. It is relevant to mention here that earlier to the

instant petition, private respondents have filed petition before this Hon'ble court bearing no.CRWP No.2635 of 2021 for protection of their life and liberty and it has been disposed of vide order dated 17/03/2021. It is also relevant to mention here that in compliance of above referred order dated 17/03/2021, private respondents have never appeared before answering respondents. So filing of above referred petition by private respondents proves that private respondent no.5 has performed her marriage with private respondent no.4 without any pressure. However, filing of above said petition establishes that private respondent no.5 is not under any sort of detention, therefore the instant writ petition is not maintainable.

3. *That it is further submitted that the private respondents are not residing at their house and their whereabouts are not known.*

4. *That from the totality of facts collected during the course of above said enquiry it has been established that respondent no.4 is married to petitioner no.3 and without getting divorce from Seema Rani has performed marriage with private respondent no.5. Respondent no.4 and 5 have solemnized their illegal marriage with their own consent on account of above said illegal relationship.”*

Since Kulwinder Kaur respondent No.5 is living with respondent No.4 Bhagich Singh, with her own consent, therefore, no directions are required to be passed in the present petition. However, if the petitioners still have any grievance, they can avail other alternative remedies as available to them in accordance with the law, if so advised.

In view of the above, the present petition is disposed of.

24.02.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

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