

CRWP-4743-2023

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

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Decided on : 15.05.2023

Amit Kumar

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amit Kashyap, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed by petitioner – Amit Kumar, aged more than 23 years, for issuance of a writ in the nature of *Habeas Corpus*, for directing the official respondents to do coordination or appointment of Warrant Officer with a roving writ to search his illegally detained wife ‘Anjali Kumari’, aged about 21 years.

2. Counsel submits that after performing their marriage on 14.03.2023, one protection petition i.e. CRWP-2730-2023, was filed before this Court, and same was disposed of vide order dated 20.03.2023 (P-1).

Said marital relation of the petitioner and the alleged detainee was not acceptable to respondents No.6 to 11, who are none but the family members of the detainee, and are residing in the State of Bihar.

3. Counsel further submits that on 19.04.2023, petitioner was called for recording of his statement before the SHO, Police Station Behariganj, Distt. Madhepur, Bihar. When brother of the petitioner and the detainee ‘Anjali Kumari’ were in District Madhepur (Bihar), all the private respondents No.6 to 11 along with other un-identified persons caught the

detenue at the '**Railway Station Saharga Birigamal (Bihar)**', and started beating her and thereafter, took her away along. However, brother of the petitioner succeeded in running away from the spot.

4. It is noticed from the petition that address of the petitioner is mentioned as "**Yadav Tola, Kusthan, Behariganj, Distt. Madhepur, Bihar**". However, petitioner has mentioned his present address as "**Guru Nanak Colony, Near Holi Angel Smart School, Lalru, Tehsil Dera Bassi, Distt. SAS Nagar Mohali (Punjab)**".

All the private respondents No.6 to 11 are also residents of "**Ward No.4, Near Anganbari, Kusthan, Behariganj, Distt. Madhepur, Bihar**".

5. In the petition, it is nowhere mentioned that detenue has been abducted/kidnapped by the private respondents from any place in States of Haryana, Punjab or Union Territory, Chandigarh. Rather, it has been categorically mentioned in para No.3 of the present petition that detenue was taken away by the private respondents, when she was at '**Railway Station Saharga Birigamal, in the State of Bihar**'. Even, petitioner has averred in the petition along with photograph(s) that his house in Bihar has been put at fire by the private respondents.

6. From the pleadings in the petition and the submissions addressed by counsel for the petitioner, this Court finds that petitioner, private respondents No.6 to 11, and even the detenue herself are residents of State of Bihar.

It is already admitted fact that detenue was taken away by the private respondents No.6 to 11 in the area of Railway Station Saharga, Birigamal, in the State of Bihar, and thus, no cause of action has arisen to

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the petitioner to file present petition before this Court.

7. Therefore, present petition is **dismissed** for want of jurisdiction of this Court. However, petitioner is at liberty to seek redressal of his grievances by filing application/petition as per law before the Court, which has the jurisdiction to entertain the issue, raised before this Court.

Disposed of.

(SANJAY VASHISTH)
JUDGE

May 15, 2023
J.Ram

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