

CRWP-6483-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

129

CRWP-6483-2023
Date of Decision:-03.07.2023

Abhishek
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. G.S. Bhinder, Advocate for
Mr. S.K. Chaudhary, Advocate for the petitioner.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for recovery of detenue namely SiyaPabra, who is stated to be the wife of the petitioner.
2. Learned counsel for the petitioner submits that the detenue is in illegal custody of respondents No.5 to 9 and hence, appropriate directions be issued.
3. Notice of motion.
4. On asking of Mr. I.P.S. Sabherwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondents No.1 to 4-State, vehemently opposed the present petition and has submitted that the ingredients of invoking the petition under habeas corpus are not made out

CRWP-6483-2023

as the alleged detainee is neither in any illegal custody, as she is residing with her parents nor it is a case that the petitioner being husband is not aware of her residence and whereabouts as per the petition itself.

4. After hearing learned counsel for the parties, the present petition stands disposed of with a direction to the SHO Police Station, Sadar, District Pathankot, Punjab-respondent No.3 to call some responsible person from respondents No. 5 to 9 along with the detainee and check her whereabouts and ensure the will of the detainee as to where she wants to reside.

6. With the abovesaid directions, the present petition stands disposed of.

(ALOK JAIN)
JUDGE

July 03, 2023.
Parul

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