

CRWP-7731-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-04.08.2023

Naveen

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Naveen Kumar, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of writ in the nature of habeas corpus by alleging that the wife of the petitioner is in illegal custody of respondents No. 5 and 6.

2. I have heard learned counsel for the petitioner at length; however, he could not demonstrate that as to how a wife going to her parents' house can be declared as illegal detention by the parents of the girl. There is nothing on record to demonstrate the same, moreso, it is a case where the petitioner and the detinue were in a live-in relationship and had approached this Court in the year 2020 to seek protection and subsequently, they got married and were blessed with a baby.

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3. Merely a matrimonial discord cannot be a ground to file a petition under habeas corpus, as the ingredients of habeas are not met as neither the detinue is in any illegal custody nor is it a case that the petitioner is not aware about her whereabouts.

4. Petitioner has appropriate remedies of law but has chosen to abuse the process of law by filing this present petition and hence, this Court deems fit to impose cost on the petitioner. Thus, the payment of cost of Rs.2,500/- to be deposited by the petitioner within one month from today in the following account:

Account Name – Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund.

Account No. - 41564846387

Bank Name – SBI High Court Branch.

5. In view of the above, the present petition stands dismissed.

(ALOK JAIN)
JUDGE

August 04, 2023
Parul

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