

2023:PHHC:101548

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

137

CRWP-7823-2023
Date of Decision: 07.08.2023

Akash Bhatti

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Ranjeet Singh Chauhan, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for release the detenue from the illegal custody of the private respondents.

2. Counsel for the petitioner submits that the detenue was in live-in-relationship with the petitioner and they were planning to marry. On 17.07.2023, private respondents i.e. her family members called her to West Bengal by saying that her mother is ill but on reaching there, she found that the story of illness of her mother was totally false. Now the petitioner prayed for production of detenue before this Court. Counsel for the petitioner placed reliance on the judgment of the Hon'ble Apex Court in **Kamala and others Versus M.R.Mohan Kumar (2018) 13 S.C.R. 505.**

3. State counsel has opposed the prayer on the ground of jurisdiction as well on locus of the petitioner to file the present petition.

4. Alleged detenue, who is aged about 22 years is presently at her parents house in West Bengal, there is nothing on record to show authorization by her to the petitioner for filing such kind of petition nor he is in any such relation which authorise him to file present petition. Furthermore, this Court cannot exercise the territorial jurisdiction

beyond the boundaries of its own State. Facts of the case cited by the petitioner are

different and not applicable to the present case. Even petitioner fails to prove on record his locus.

5 Given above, the present petiton is dismissed on the ground of locus and jurisdiction. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

07.08.2023
Jyoti-II

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