



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-3940-2024
Date of Decision:- 11.07.2024

BABITAPetitioner

Vs.

STATE OF UT CHANDIGARH AND OTHERS
...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. C.S. Singh, Advocate for the petitioner.
Mr. Ankur Bali, Addl. PP, UT, Chandigarh.

AMARJOT BHATTI, J.

1. Petitioner Babita has filed criminal writ petition under Articles 226/227 of Constitution of India seeking writ in the nature of habeas corpus to appoint Warrant Officer to search the detainee Vishal Kumar younger son of petitioner who is in illegal detention of private respondent Nos.4 to 7.
2. Learned counsel representing respondent Nos.1 to 3 have filed their reply to this writ petition alleging that earlier another CRM-M-30783-2023 was disposed of vide order dated 09.10.2023 by passing composite order along with CRM-M-32669-2023 titled as Rohit Kumar Vs. State of UT, Chandigarh and others.
3. It came in the said petitions that alleged detainee Vishal appeared before learned Magistrate, Chandigarh and suffered statement on

**CRWP-3940-2024****-2-**

17.09.2023 that he left his house on his own since he was beaten up and ill treated by his father, mother i.e. the present petitioner, brother and sister-in-law and he did not want to go back home. Copy of said statement of Vishal recorded by Magistrate dated 17.09.2023 is also placed on record.

4. Considering the report and statement of Vishal recorded before the Magistrate, it is clear that Vishal is not in illegal detention rather he left the home for his personal reasons. Today, petitioner is present in the Court who simply claimed that she wants to meet her son Vishal once and thereafter he can do whatever he desires. The prayer made by petitioner does not convince the mind of this Court. In-fact Vishal Kumar son of petitioner left the house on 01.02.2022. He was produced in the Court on 27.09.2023 confirming that he left the house on his own and the present writ petition has been filed on 24.04.2024. Aforesaid facts clearly indicate that Vishal is not in illegal detention to justify present writ petition in the nature of habeas corpus

5. In view of the aforesaid facts and circumstances of the case, the petition is rendered infructuous and disposed of accordingly.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

11.07.2024

snd

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No