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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6001-2024

Date of Decision:- 31.07.2024

RAJPREET SINGH @ RAJU SINGH

....Petitioner.

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

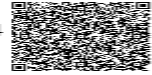
CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Ananya Ahluwalia, Mr.Karnesh Verma,
Advocate for the petitioner.

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Rajpreet Singh @ Raju Singh has filed criminal writ petition under Article 226 of the Constitution of India for issuance of writ in the nature of habeas corpus for directing official respondent Nos.1, 2 and 3 to search for the detainee Pardeep Kaur at the premises of private respondent Nos.4 to 7 or at any other place for her release from private respondents or any other direction as deem it fit and proper in the facts and circumstances of the case.
2. Learned counsel for the petitioner pointed out that Rajpreet Singh @ Raju Singh is husband of detainee Pardeep Kaur who got married on 08.12.2015. Their marriage certificate is Annexure P-1. They were residing together at Bolar Kalan. Out of this wedlock they have two children Gurpiar Singh aged about 8 years and Yuvraj Singh aged 5 years



who have been taken along with the detainee. On 17.06.2023 detainee was taken into custody by the parents and other family members. In-fact, petitioner and brother of detainee had dispute regarding money. In January, 2024 detainee was forcibly taken away by her brothers respondent Nos.6 and 7. However, with the intervention of respectables of society and panchayat of Chuaharpur Kalan she was brought back. Since, 17.06.2024 he is unable to contact his wife and children. Mobile phone of his wife believed to be in possession of her family members. Only once his call was answered and petitioner was asked to pay money, if he wanted his wife and children back. Detainee is under great danger and pressure. Hence present petition.

3. Notice was issued. Status report has been filed along with the statement of alleged detainee Pardeep Kaur. As per the statement of Pardeep Kaur, she alleged that her husband Rajpreet Kaur @ Raju Singh used to beat and insult her under the influence of liquor. About 12 days ago she along with her children came to parental house at Chuaharpur Kalan. She does not face any threat from anybody. She did not want to reside in the matrimonial home. She has come her parental house with her sweet will. She recorded said statement in the presence of her father Jagtar Singh.

4. Learned counsel for the petitioner strongly insisted that his wife should be produced in the Court. He still insisted that she is under great pressure. He has relied upon the judgment of ***Hon'ble Apex Court*** in ***Devu G Nair Vs. State of Kerala & Ors. [SLP (Crl. No.1891 of 2023)]*** in which guidelines were issued dealing with the writ of habeas corpus. It is



argued that detinue is required to be produced in the Court.

5. I have considered the arguments as well as status report. Initially notice was issued to the respondent Nos.2 to 7, who were served but did not appear. Along with status report, statement of Pardeep Kaur is placed on record which clearly indicates that on account of matrimonial dispute Pardeep Kaur along with her two children came to her parental house at village Chuaharpur Kalan. In her statement, it is alleged that she was beaten up and insulted by present petitioner under the influence of liquor. Contents of present petition further indicates that earlier there was dispute which was pacified with the intervention of respectables and his wife was brought back in the matrimonial home. Aforesaid facts clearly indicate that it is matrimonial dispute. His wife has shifted to her parental house along with two children with her sweet will. It cannot be said that she is under illegal detention of private respondents No.4 to 7.

6. Considering these facts, I do not find it appropriate to issue any direction in the present writ of habeas corpus. Therefore, petition is, accordingly, declined. Petitioner is at liberty to avail appropriate remedy as per law for the restitution of conjugal rights.

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

31.07.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No