



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

261

CRWP-4337-2025 (O&M)
Date of decision: 08.05.2025

Sandeep Sura

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Davinder Pal Singh Joura, Advocate
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

None for respondents No. 4 and 5.

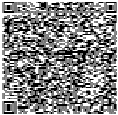
MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India seeking issuance of writ in the nature of habeas corpus for release of the alleged detainee, namely Jyoti, who is mother of the present petitioner, from the illegal custody of respondents No. 4 and 5.

2. Briefly stated facts of the case are that the petitioner, who is aged about 09 years, is son of the alleged detainee, who is residing at her parental house at Bhiwani with respondents No. 4 and 5. The father of the petitioner, i.e. husband of the alleged detainee, had died on 10.05.2024. The claim of the petitioner is that the alleged detainee has been illegally confined by respondents No. 4 and 5.

3. While issuing notice of motion on 29.04.2025, learned State counsel had sought time to have instructions in the matter. Today, the statement of the alleged detainee, recorded by the police, has been filed in Court. A perusal of the same reveals that she has categorically stated that she is residing at her parental

2025.PHHC.061233



house at Bhiwani out of her own free will and is not willing to go to her matrimonial house. She has also stated that the allegations levelled in the present petition are baseless and false.

4. The petitioner has invoked jurisdiction of this Court for issuance of a writ in the nature of habeas corpus. Such writ is primarily issued calling upon a person who had detained another to produce the detained individual in order to let the Court to know on what ground a detainee has been confined and set him at liberty if there is no legal justification for such detention. When once the Court comes to the conclusion that the detention is unlawful, the confinement cannot be permitted and consequently direction has to be issued to set the detainee at liberty. However, in the present case, the alleged detainee, who is a mature woman, has herself stated that she is residing with respondents No. 4 and 5 out of her own free will and is reluctant to come to her matrimonial house. Hence, it cannot be said that she is in any illegal confinement. In view of the same, no case is made out to issue any writ in the nature of habeas corpus. Accordingly, finding no merit in the petition, the same is dismissed.

08.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No