

In the High Court of Punjab and Haryana at Chandigarh

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Cr. Writ Petition No.1157 of 2015

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Date of decision:4.9.2015

Mohinder Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Mr. B.S. Bhullar, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

This criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a roving writ in the nature of Habeas Corpus to the official respondents for effecting the release of the detenu, namely, Mangal Singh alias Manga son of Mohinder Singh, who has been kept in illegal custody by respondents No.4 to 7 without any rhyme and reason.

Notice of this petition was issued. Meanwhile, learned State counsel was directed to get the matter inquired through the concerned Station House Officer and submit the report before this Court. It was also directed that if detenu Mangal Singh alias Manga is found to be kept illegally against his wishes by private respondents, then he be produced in

this Court on the date fixed.

No one has appeared on behalf of the private respondents.

I have heard learned counsel for petitioner as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

Learned State counsel has filed the status report by way of affidavit of Inspector Pravesh Chopra, Station House Officer, Police Station Sultanwind, Amritsar on behalf of respondents No.1 to 3. In the affidavit, it is stated that earlier an application was given by the petitioner that his son Mangal Singh alias Manga, without telling anything to anybody had gone somewhere from the house and had not come back nor could be traced. Upon this application, a missing report was recorded at Police Post, Sultanwind vide DDR No.18 dated 5.3.2015 and hue and cry notice in respect of Mangal Singh was issued. On 17.3.2015, an application was given by the petitioner levelling allegations inter alia therein against the private respondents for abducting and keeping his son Mangal Singh in illegal detention and giving threats to them. The application was inquired into by Shri Bal Krishan Singla, PPS, the then Assistant Commissioner of Police, South, Amritsar, who recommended to consign the application. On receiving this order from the Court again inquiry was conducted and house of the private respondents was also raided but the detenu was not found nor the allegations made in the application were found correct. It is also in the reply that the present petitioner has already filed a complaint for the offences under Sections 364, 365, 504, 506 and 34 IPC against the private

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respondents, which is pending for trial in the Court of Judicial Magistrate Ist Class, Amritsar.

Keeping in view the reply filed by the State, I find that detenu Mangal Singh is missing from the house since 6.2.2015 and he has not been detained by the private respondents illegally in their house. As, the criminal complaint is already pending in the Court of learned Judicial Magistrate Ist Class, Amritsar, therefore, no further action is required in this petition and the same is disposed of accordingly in view of the reply.

September 4, 2015.

(Inderjit Singh)
Judge

hsp