

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

243

Crl. Writ Petition No.1162 of 2015

Date of decision: August 11, 2015

Sukhjeet Kaur

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Ms. Gagandeep Grewal, Advocate for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. P.K.S. Phoolka, Advocate for respondents No.4 and 5.

Mr. Deepak Aggarwal, Advocate for respondent No.6.

DAYA CHAUDHARY, J.

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 of detinue, namely, Baljinder Singh @ Happy, minor son of the petitioner, who is stated to be in illegal custody of respondents No.4 to 6.

Notice of motion was issued on 05.08.2015. The Warrant Officer was also appointed to conduct search at the places to be pointed out by the petitioner who visited the houses of respondents No.4 to 6 but the

alleged detainee was not found to be present there. The report dated 07.08.2015 prepared by the Warrant Officer in this regard is already on record, the relevant portion of which is reproduced as under:

“After that as per the directions of the petitioner we went to police station Maur Mandi, District Bathinda. Mr. Jagdish Singh, H.G.(32915) was on Santri Duty. He opened the door, I met Mr. Sulakhan Singh, Head Munshi (H.C.1578) and disclosed the reason and asked for security to search the houses of respondent Nos. 4 to 6. On mobile phone he called a police party which was on night patrolling. A Govt. Police jeep alongwith the police staff Mr. Iqbal Singh ASI(798 Bathinda), Sh. Satbir Singh (C-1762), Sh. Naib Singh (PHG-32948), Sh. Karm Singh (PHG-32211) were provided to me. Munshi made an entry in the Roznamcha at Sr. No.3 dt. 06.08.2015 at 2:00 A.M.

We reached the house of Mr. Gurtej Singh and Mr.Roop Singh at Village Ram Nagar, Distt. Bathinda and searched all the rooms, kitchen, bathroom etc., but Sh.Baljinder Singh @ Happy was not found there. After that we went to search the house of Respondent No.6, Mohammad Afftab at the address given in the petition. We searched all the rooms and roof of the house but Sh.Baljinder Singh @ Happy was not found there.”

Learned State counsel submits that FIR No.102 dated 27.06.2015 has already been registered under Section 365 IPC at Police Station Maur, District Bathinda.

Learned counsel appearing for respondents No.4 to 6 also submits that the present petition has been filed just to falsely implicate the private respondents whereas FIR has already been registered.

In view of the submissions made by learned counsel for the parties as well as the report presented by the Warrant Officer, as the son of the petitioner, namely, Baljinder Singh @ Happy was not found in the custody of respondents No.4 to 6, the present petition is hereby dismissed being devoid of any merit.

(DAYA CHAUDHARY)
JUDGE

August 11, 2015
sonia g.