

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

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**Criminal Writ Petition No.1173 of 2015
Date of decision: September 30, 2015**

Jagir Singh

....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: Mr. Kamal Narula, Advocate for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for release of detainee, namely, Gurjinder Singh who is stated to be in illegal custody of respondents No.3 to 5.

While issuing notice of motion on 07.08.2015, the Warrant officer was appointed who was directed to visit the places to be pointed out by the petitioner and to get the alleged detainee released, if he is found in illegal detention of respondents No.3 to 5.

In response thereto, Warrant Officer has submitted his report dated 10.08.2015 which is on record. As per report, the alleged detainee was not found in the premises of the police station. An inquiry was also made from ASI Joginder Singh Duty Officer and night Munshi Constable Rajwinder Singh with regard to the alleged detainee. It was stated that the

alleged detainee was neither arrested nor required in any case and thereafter, the alleged detainee was found to be standing on the road outside the police station.

Learned counsel for the petitioner submits that the factum of visit of Warrant Officer came to the notice of the concerned authority and prior to that, they had released the alleged detainee whereas his illegal detention was also noticed by some of the shopkeepers and other persons.

Learned State counsel submits that neither the alleged detainee is required in any case nor he was picked up from the shop as has been mentioned in this petition. Learned State counsel also submits that neither any beating was given nor any complaint was pending against the alleged detainee.

Accordingly, in view of the stand taken in the report submitted by the Warrant Officer, the alleged detainee is not found in the illegal detention of respondents No.3 to 5. The issue whether he was released prior to the arrival of the Warrant Officer and was also witnessed by other persons outside the police station, cannot be considered in this petition being disputed question of facts.

The petition stands disposed of accordingly.

However, in case, the petitioner is still aggrieved in any manner, he is at liberty to avail appropriate remedy in accordance with law.

September 30, 2015
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(DAYA CHAUDHARY)
JUDGE