

In the High Court of Punjab and Haryana at Chandigarh

.....

Cr. Writ Petition No.1226 of 2015

.....

Date of decision:30.9.2015

Pritam Singh

...Petitioner

v.

State of Punjab and others

...Respondents

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. A.K. Khunger, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

This criminal writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of Habeas Corpus for the appointment of a Warrant Officer with roving writ/direction to search the premises of Police Station Kotbhai, District Sri Muktsar Sahib or any other place which may be pointed out by the petitioner and trace detenu-Kuldip Singh son of Pritam Singh.

In this criminal writ petition, a Warrant Officer was appointed, who gave a report that in compliance of the order dated 17.8.2015 passed by this Court, he visited on 18.8.2015 and reached at Police Station Kotbhai, District Sri Muktsar Sahib at 5.08 p.m. The main gate of the Police Station was open and while the Warrant Officer was entering in the Police Station, he saw that a Constable was pushing a person. The petitioner, who was accompanying with the Warrant Officer, identified that person as his son,

[2]

namely, Kuldeep Singh alleged detenu. On inquiry, the Constable told the Warrant Officer that this person was trying to enter into the Police Station by scaling over the wall of the Police Station, whereas Kuldeep Singh stated that he was in custody of this Police Station since last two days. He further told that he was being harassed by the Police with the connivance of the Sarpanch of Village Sabag.

In view of the report of the Warrant Officer as well as the reply filed by the State, it is disputed fact whether the detenu was trying to enter into the Police Station or not, but the Warrant Officer has not found him in the illegal custody. There is nothing on the record to show that the Police official came to know regarding the Warrant Officer earlier. Rather, when the Warrant Officer was still outside the gate of the Police Station, he saw the Constable pushing the detenu outside. So, there are two versions. The detenu says that he was in the custody for the last two days, whereas the Police version is that he was trying to enter into the Police Station and the Constable was pushing him outside. No objection have been filed on the report of the Warrant Officer by the petitioner.

So, in view of the report of the Warrant Officer as well as the reply of the respondents, I find that in this Habeas Corpus petition no further action is required. However, the petitioner is at liberty to avail the remedies available to him.

With these observations, the criminal writ petition is disposed of.

September 30, 2015.

(Inderjit Singh)
Judge

hsp