

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

CRWP No.1285 of 2015 (O&M)

Date of Decision: 26.05.2016

Mamta Arora

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikas Thakur, Advocate for
Mr. Vivek Singla, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for respondent Nos.1 to 3/State assisted by H.C. Vijay Kumar.

Mr. Anterpreet Singh, Advocate for respondent No.4/complainant.

JASWANT SINGH, J. (Oral)

Mamta Arora-petitioner has filed the present petition for habeas corpus seeking release of the alleged detenue-husband (accused Ramesh Kumar), allegedly in the illegal custody of the police at the behest of the complainant-Bharat Kapoor (respondent No.4).

It is stated that her husband-Ramesh Kumar deals in the business of Plywood. It is further stated that respondent No.4 has filed a false FIR No.181 dated 07.06.2015, under Sections 406, 420, 120-B of the Indian Penal Code, registered with Police Station Civil Lines, Amritsar with the allegation that accused Ramesh Kumar along with his son-Kunal Arora have taken a huge consignment of plywood and not made the due payments nor returned the consignment and thus he has been cheated. It is further alleged that in order to settle the matter, he has been illegally detained by the respondents i.e. police authorities and Bharat Kapoor.

Upon notice, a reply has been filed by the ACP (North), Amritsar.

In the reply, it is stated that the said accused Ramesh Kumar after being nominated as an accused has been sought to be arrested. Repeated raids have been made at different places to locate him, however, he has evaded the arrest and also not joined the investigation. The co-accused/non-applicant Kunal Arora was arrested on 01.08.2015 and was enlarged on bail by the Court below.

It is next submitted that the present petition is motivated so as to restrain the police from making arrest her husband. Keeping in view the stand of the respondents, this Court finds that the present petition does not require any further interference.

Accordingly, the present petition stands dismissed.

May 26, 2016

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**(JASWANT SINGH)
JUDGE**