

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

CRWP No.988 of 2015

Decided on: 16.07.2015

Punjab Singh . . . Petitioner

Versus

State of Punjab & others . . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. N.K. Chopra, DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

Present petition has been filed praying for the issuance of a writ of habeas corpus seeking the release of detenues, namely Gurbaj Singh son of Roor Singh as also Tarsame Singh @ Gora S/o Jasbir Singh, who were stated to be unlawfully detained by official respondents No.2 and 3 at Police Station Valtaha, Tehsil Patti, District Tarn Taran.

On 02.07.2015 while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed praying for the issuance of a writ of habeas corpus seeking the release of detenues, namely Gurbaj Zingh son of Roor

Singh as also Tarsame Singh @ Gora S/o Jasbir Singh, who are stated to be illegally and unlawfully detained by respondents No.2 and 3 in Police Station Valtoha, Tehsil Patti, District Tarn Taran.

Notice of motion, returnable for 16.07.2015.

Registry is directed to appoint Warrant Officer, who would accompany the present petitioner and conduct raid at PS Valtoha, Tehsil Patti, District Tarn Taran so as to ascertain whereabouts of the alleged detenues and in case they found to be unlawfully detained would ensure their release forthwith.

Report of the Warrant Officer be furnished on or before the adjourned date.

It is made clear that the petitioner would be obligated to deposit the expenses in relation to the Warrant Officer as determined by the Registry.”

Report of the Warrant Officer dated 03.07.2015 has been placed on record and the relevant portion of report reads as under :-

“On receipt of notice on 02.07.2015, undersigned left Chandigarh at 06.00 p.m. for Police Station Valtoha, District Tarn Taran and reached there at 11.40 pm. The main gate of the Police Station was closed. Night MHC Sukhwinder Singh and Santri Sukhchain Singh were sitting in front of the gate. Undersigned after disclosing the identity to them asked to open the gate and accordingly entered in the Police Station. Undersigned asked them to show the lockup. The lockup was locked and one person namely Kashmir Singh was found in side the lock up. On enquiring, night MHC told that Kashmir Singh has been arrested today u/s 376 IPC

and he also shown entry to this effect in their Rojnamcha at Sr. No.34 but the alleged detenues not found in the lock up. On request made by the petitioner and his associate, undersigned checked each and every corner of the Police Station but both the detenues were not found there.

SHO was not present in the Police Station. On asking of the undersigned, MHC told that SHO is on Night Naaka nearby. On asking of the undersigned, he called up SHO who came in the Police Station within 10 minutes.

Undersigned asked SHO about the alleged detainee. On this, he told that he never called/picked any such named persons and he further stated that the alleged detenues are not required in any case/FIR by his police station. He has also furnished his written statement to this effect which may kindly be perused at Annexure 'A'.

The petitioner and his associates who were accompanying with the undersigned countered SHO's version and told that they met both the alleged detenues in the Police Station in the morning and police is harassing them unnecessary. SHO denied the allegations leveled against him by the petitioner and his associates. Copy of Rapat Rojnamcha is at Annexure 'B'.

While the undersigned was concluding the proceedings of the raid in the Rojnamcha, the petitioner received a call on his mobile about the presence of alleged detenues at Police Chowki Algon Koti and they requested undersigned to visit there. On request made by the petitioner and his associate, undersigned visited Police Chowki Algon Koti which was at approx. 15 kms.

CRWP No.988 of 2015

distance from PS Valtoha. On reaching there and checking each and every corner of the Chowki, undersigned did not find alleged detenues there either.

Notice served upon to the Respondent No.2 and 3.

It is specifically to mention here that undersigned did not find any kind of legal or illegal detention at the Police Station Valtoha and at Police Chowki Algon Koti.

Report is submitted for His Lordship's kind perusal please.

Date: 03.07.2015

*Sd/-
(Naresh Chand)
Warrant Officer
Punjab & Haryana High Court"*

Even counsel appearing on behalf of petitioner would submit that the alleged detenues were released on 03.07.2015 in the night hours.

Accordingly, no further directions are required to be passed in this petition and the same is disposed of as having been rendered infructuous.

**[TEJINDER SINGH DHINDSA]
JUDGE**

16.07.2015
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