

CWP No.13157 of 2015

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

CWP No.13157 of 2015

Date of Decision: July 16, 2015

Swaran Singh Nijjar

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naresh Kumar Joshi, Advocate
for the petitioner.

Ms. P.K. Shekhon, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (Oral):

Reply on behalf of respondent No.3 filed in Court, taken on record, copy supplied to the counsel for the petitioner.

Counsel for the respondents states that while passing the impugned order, Sub-Divisional Magistrate, Hoshiarpur, had come to a conclusion that Mr. Swarn Singh Nijjar was not in the sound state of mind and there are certain confusion with regard to the case. The presumption was, thus, there would be certain litigation with regard to the issue which was involved, which resulted in passing the order dated 13.06.2015 adding therein that the passport and other documents were to be deposited with the concerned Station House Officer and to be released as and when the Civil Court order is passed. She states that it was in the *bona fide* exercise of the powers without any *mala fide* intention. She, however, admits that there is neither any civil nor any criminal litigation pending between the

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parties.

In the light of the above, the documents which have been taken by the Station House Officer, Police Station Sadar, Hoshiarpur, be returned to the petitioner forthwith under proper receipt.

The writ petition stands disposed of with above observation.

July 16, 2015

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**