

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4347 OF 2016

Indrapal Singh Sachar.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. Niranjan Mundargi i/b Y. C. Naidu for the Petitioner.

Mr. J. P. Yagnik, APP for the State.

Coram : Ranjit More &
G. S. Kulkarni, JJ.

Date : **December 16, 2016.**

P. C. :

1. Heard Mr. Mundargi, learned Counsel appearing for the Petitioner and Mr. Yagnik, learned APP for the State of Maharashtra. On 15th December 2016, we had passed following order :

"1. Heard learned Counsel appearing for the Petitioner and learned APP for the State. Petition is filed seeking writ of habeas corpus to Respondent Nos. 1 and 2 to produce the elder brother of Petitioner by name Satinder Pal Singh Sachar.

2. It is the case of the Petitioner that said Satinder Sachar is resident of Mumbai and his younger brother is resident of Surat. It is the specific case of the Petitioner that his brother Satinder Pal Singh Sachar was picked up by Respondent No. 3 and two other persons claiming to be from Jaipur police in one Innova Car bearing registration No. RJ-14 UC-4405 at 9.00 p.m. on 13th December 2016. Learned Counsel appearing for the Petitioner

submitted that from Surat, his brother was taken to Ahmedabad and thereafter to Nalasopara at hotel Diplomat. Learned Counsel submitted that from hotel Diplomat at Nalasopara, the Petitioner's brother is brought to Santacruz (east) in the said vehicle. Learned Counsel submitted that this is being done for extorting money from Mumbai debtors. He further submitted that the Petitioner's brother is not produced before any Magistrate within the period of 24 hours from 9.00 p.m. on 13th December 2016. It was also stated that said Satindar Sachar is in communication with the Petitioner's son by name Gurdi Singh through mobile number 8141004743.

3. Learned APP submitted that he has no instructions and he submits to the orders of the Court.

4. In above circumstances, we pass following order:

1] The Additional Commissioner of Police, Western Zone, having office at Carter Road, Bandra Mumbai and the DCP Zone-X are directed to trace the vehicle Innova bearing No.RJ-14 UC-4405 and produce Satinder Pal Singh Sachar before this Court tomorrow at 11.00 a.m.

2] Mr. Yagnik, learned APP is directed to communicate the mobile number of Satinder Pal Singh Sachar [8141004743] and this order to the said Additional CP and DCP on their mobile.

3] All concerned to act on the copy of this order authenticated by the Associate or Private Secretary of this Court.

4] Stand over to 16th December 2016."

2. Mr. Yagnik, learned APP submitted that in pursuance of the above order, Vakola Police Station had contacted the Petitioner's brother – Satinder Sachar and officers from Rajsthan police on given mobile number and directed them to come to Vakola Police Station. Accordingly, they had come to Vakola

Police Station and the statement of the Petitioner's brother was recorded. Mr. Yagnik further submitted that however Respondent No. 3 did not come to Vakola Police Station and probably he has run away. On instructions, he submitted that Innova car bearing No.RJ-14 UC-4405 was hired by Rajsthan police and car is in their possession.

3. As per the directions given yesterday, officers of Vakola Police Station have brought before us Satinder Pal Singh Sachar and police sub inspector IndrajSing from Vidhyadhar Nagar Police Station, Rajsthan. Thus, the directions given yesterday stand complied with.

4. Mr. Yagnik, learned APP, on instructions, submitted that the Petitioner's brother was not at all arrested and in fact in relation to an offence registered against him at Vidhyadhar Nagar Police Station, being CR No. 449 of 2016, said Satinder Sachar has given in writing that he would co-operate in the investigation. This statement is however disputed by Mr. Mundargi, learned Counsel appearing for the Petitioner. Mr. Yagnik submitted that since the Petitioner's brother was not arrested by Rajsthan Police Station in connection with the offence registered against him with

Vidhyadhar Nagar Police Station, this petition may be disposed of especially in view of the compliance made by the Maharashtra police of the directions given yesterday.

5. We find that petition is worked out and the same is therefore disposed of.

6. Needless to state that Vakola Police Station shall take action in accordance with law on the basis of statement of the Petitioner's brother against all concerned. The Petitioner as well as his brother are at liberty to take appropriate action as per law.

[G. S. KULKARNI, J.]

[RANJIT MORE, J.]