

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.1000 of 2004(O&M)
Date of Decision: May 18, 2016

Gurmeet Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kanwaljit Singh, Senior Advocate with
 Ms.Jaswinder Kaur, Advocate
 for the petitioner.

Mr.Sidakmeet S. Sandhu, Deputy Advocate General, Punjab
 for the respondent(s)-State.

INDERJIT SINGH, J.

Petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus seeking production of Surjit Singh, aged 70 years having been illegally, unlawfully detained by respondents No.3 and 4.

Notice of motion was issued and Warrant Officer was appointed in this case.

The Warrant Officer gave his report, in which he stated that he went to CIA Staff along with petitioner. In the meantime, Inspector Jaswinder Singh Mangat, Incharge CIA staff also came there from outside. One old man was standing inside the building of CIA Staff under a tree at a distance of about 65 feet in front of the

room of Inspector CIA Staff and DSP(D) and the petitioner recognized him as the alleged detenu. He (Warrant Officer) then took into possession the roznamcha. As per the report of Warrant Officer, Inspector Jaswinder Singh Mangat allowed Surjit Singh, the alleged detenu to go from CIA Staff, Ludhiana and the detenu left CIA Staff in his presence.

The perusal of the report of Warrant Officer shows that detenu was found in the premises of CIA Staff without lawful custody. As the detenu has already been released from the CIA Staff, therefore, the present criminal writ petition has become infructuous.

Learned counsel for the petitioner cited judgment passed by the Hon'ble Supreme Court in ***T.C.Pathak vs. State of U.P. and others, 1995(6) SCC 357***, in which, the Hon'ble Supreme Court in the facts of the case, granted ₹10,000/- as compensation and the State Government was directed to pay ₹10,000/- to detenu by way of compensation for the denial of his constitutional right under Article 21 of the Constitution and further ordered that the said payment should be made within a period of one month and the award of compensation is independent of the remedy which the said detenue may have in private law for damages against the persons responsible for his illegal detention and torture.

I have gone through the above-cited judgment and the same fully applies in the present case.

In view of the above discussion, State of Punjab is directed to pay ₹20,000/- to detenu Surjit Singh for the denial of his

constitutional right under Article 21 of the Constitution. The payment is to be made within a period of two months after receiving certified copy of this order. The award of compensation is independent of the remedy which the said detainee may have in private law for damages against the persons responsible for his illegal detention and torture

With the above-said observations, the present criminal writ petition stands disposed of.

May 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE