

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Writ Petition No.1473 of 2015

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Date of decision:6.5.2016

Ravinder Kaur Sharma

...Petitioner

v.

State of Punjab and others

...Respondents

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(2) Criminal Writ Petition No.1505 of 2015

.....

Ravinder Kaur Sharma

...Petitioner

v.

State of Punjab and others

...Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

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Present: Mr. Harshit Jain, Advocate/Mr. K.D.S. Sodhi, Legal  
Aid counsel for petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the  
respondent-State.

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**Inderjit Singh, J.**

This order will dispose of the above mentioned two criminal writ petitions which have been filed by one petitioner i.e. one petition has been filed in the Court and the other has been sent through post and the same has been treated as criminal writ petition. These criminal writ

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petitions have been filed under Article 226 of the Constitution of India, praying for issuance of a roving writ in the nature of Habeas Corpus for releasing the detenu, namely, Love Sharma son of Harish Sharma resident of House No.267, New Model Town, Tehsil and District Ludhiana from the illegal custody of In-charge, Station House Officer, Police Station Division No.5, Ludhiana, District Ludhiana or from In-charge Police Post, Kochar Market i.e. respondents No.4 to 6; further for appointing Warrant Officer for the search of premises of respondents No.4 to 6 or any other place as pointed out by the petitioner for the release of above said detenu.

Notice of motion was issued and Warrant Officer was appointed. Learned State counsel has put in appearance on behalf of the respondent-State.

The Warrant Officer gave the report dated 12.10.2015, in which he stated that when he along with the petitioner reached the Police Post, Kochar Market, Ludhiana and they entered in the premises of the Police Post, he saw a person was standing right at the main gate and the petitioner identified him as alleged detenu, namely, Love Sharma. It has also been mentioned in the report that SI Navdeep Singh told that he does not know for what purpose Love Sharma came here because the said person was never detained nor he was wanted in any case in this Police Post. MHC Rajinder Pal Singh informed that Sentry told him that the said person just came to the Police Post to meet the Munshi regarding some complaint.

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Reply has also been filed on behalf of respondents No.1 to 6.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In view of the report of the Warrant Officer, the detenu Love Sharma was found standing near the main gate of the Police Post and was not found inside the premises of the Police Post. Further more, no complaint has been filed against the Warrant Officer of any type that he had given wrong report nor any criminal miscellaneous application has been filed for this purpose. Further more, this Court has already ordered for registration of the FIR and for investigation. The Court has been informed that the FIR has already been registered. It is now for the Investigating Officer to investigate the fact whether Love Sharma detenu was detained illegally in the premises of Police Post or he had reached there before the arrival of Warrant Officer. The Investigating Officer of the FIR is to investigate the matter independently as per law.

As the detenu has already been released and is not in illegal detention, therefore, no further action is required to be taken in these petitions and the same are dismissed having become infructuous.

May 6, 2016.

**(Inderjit Singh)**  
**Judge**

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