

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

CRWP-1785-2015

Date of Decision: January 5, 2016

Shamsher Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. Whether Reporters of local papers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Present: Mr.S.S.Siao, Advocate
for the petitioner.

Mr.P.S.Ghuman, Addl.A.G.Punjab.

.....

NARESH KUMAR SANGHI, J.(ORAL)

Learned counsel for the State, on instructions from SI Sarwan Singh, Police Station, Laddowal, District Ludhiana, submits that the alleged detainee, Sarabjit Kaur @ Simran Kaur, was arrested on 05.12.2015 in a case FIR No.221, dated 29.10.2015, under Sections 148, 186, 353,447 and 511 read with Section 149, IPC, registered at Police Station, Laddowal, District Ludhiana, and produced before the learned Area Judicial Magistrate and thereafter sent to judicial custody on the same day. He further contends that the alleged detainee was never in illegal custody and, as such, the present habeas corpus petition

is not maintainable.

Learned counsel for the petitioner submits that name of the alleged detainee is Simran Kaur and not Sarabjit Kaur @ Simran Kaur. However, he fairly concedes that there is no dispute with regard to identity of Simran Kaur, who was allegedly sent to judicial custody after producing her before the Area Judicial Magistrate.

In view of the fact that Simran Kaur was arrested on 05.12.2015 and produced on the same day before the learned Area Judicial Magistrate and sent to judicial custody, therefore, the present petition for issuance of writ in the nature of habeas corpus has been rendered infructuous. If so advised, the petitioner may take action against the defaulting person in accordance with law.

Disposed of.

January 5, 2016
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(NARESH KUMAR SANGHI)
JUDGE