

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.1108 of 2016

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Date of decision:23.8.2016

Suman Desouza

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. C.M. Munjal, Advocate for the petitioner.

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

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Inderjit Singh, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for the release of detenues, namely, Sameer Desuza, Smt. Bharti Desuza wife of Samar Desuza, Kawaljeet Kaur, Master Yaman Desuza and Master Rajan Desuza from the illegal custody of Ludhiana Police as the detenues have been, illegally and forcibly without having any criminal case, picked up by respondent No.5 on the intervening night of 13/14.8.2016 from their residence. It has been further prayed for the release of the detenues from the illegal custody of the Police, especially respondent No.5. It has further been prayed for issuance of roving writ with direction to the Warrant Officer to be appointed by this Hon'ble Court to search the

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premises pin-pointed by the petitioner where the detenues have been kept in illegal custody.

Warrant Officer was appointed in this case, who was directed to submit his report before this Court.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this criminal writ petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

The report of the Warrant Officer has been received. As per the report of the Warrant Officer, alleged detenues Smt. Bharti Desuza, Kawaljeet Kaur (both daughters-in-law of the petitioner) and Samar Desuza (petitioner's son) were found in the premises of the CIA Staff-I, Ludhiana. As per the information given by the Investigating Officer Chaman Singh, ASI, these detenues have been arrested in connection with FIR No.55 dated 4.6.2013 registered for the offences under Sections 420, 417, 193, 177, 120-B and 34 IPC and Section 25 of the Arms Act at Police Station Division No.3, Ludhiana. Samar Desuza was arrested on 12.8.2016 and Bharti Desuza and Kawaljeet Kaur were arrested on 14.8.2016 and were produced before the Court of Judicial Magistrate Ist Class, Ludhiana and the Court granted Police remand upto 19.8.2016. It has been stated by the petitioner's daughter that the minor children are in safe custody and presently are at her

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relatives home. Sameer Desuza detenu has not been found in illegal custody though the raids were conducted as per the directions of the petitioner's daughter etc.

In view of the report of the Warrant Officer, no further action is required to be taken in this matter and the petition is disposed of.

August 23, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No