

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

**CRWP No. 1189 of 2016
DECIDED ON: SEPTEMBER 26, 2016**

SUMA

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred by Suma under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for the release of detenu namely Liaqat Ali brother of the petitioner from the illegal custody of respondents No.4 and 5 with further direction to produce him in this Court.

During the course of arguments, it has been pointed out by learned State counsel that earlier also petitioner filed a criminal writ petition bearing No. 243 of 2016 for the release of his brother namely Liaqat Ali, which was dealt with and disposed by this Court vide order dated August 10, 2016. After the dismissal of previous writ petition on the similar ground, petitioner has filed the instant writ petition on the same cause of action, which is not maintainable and is liable to be dismissed.

At this juncture, it has been submitted by learned counsel for the

petitioner that his brother namely Liaqat Ali is still missing and his whereabouts are not known till date. In fact, the investigating officer and other police officials connived with private respondents and it was only due to the said reason, they are not taking any action for locating the whereabouts of his brother. The cancellation of FIR is also result of connivance of the police with private respondents.

This Court has considered the afore-said submissions made by learned counsel for the petitioner but find the same to be without any legal or factual substance. Simply levelling of allegation with regard to the connivance of police officials with the private respondents is not suffice, especially, in the absence of any sort of proof. The earlier petition was disposed of this Court on the basis of affidavit of Pawanjit, PPS, DSP, Sub Division, Samrala, Police District Khanna, in which it was categorically stated that an inquiry was got conducted, during which it revealed that FIR was got wrongly registered by the complainant-Ali Khan and his father Roshan Deen under the pressure of their President Gaami. It further stated that when the allegations with regard to the alleged illegal detention of Liaqat Ali were verified, the same were found to be false. The said Liaqat Ali was found to be present with the complainant Ali Khan and Gaami. It was only, thereafter, cancellation report was prepared and sent to the Senior Officers of the Department for its approval.

In view of the facts narrated above, this Court does not find any merit in the instant petition and as such the same is dismissed.

SEPTEMBER 26, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*
Whether Reportable *Yes/No*