

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

**Criminal Writ Petition No.1199 of 2016
Date of Decision:-15.09.2016**

Manphool

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- None for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for release of detenue Roshni Devi wife of Manphool-petitioner from the illegal custody of respondent No.3.

Learned State counsel has filed the reply by way of affidavit of Shri Rajiv Kumar, H.P.S., Deputy Superintendent of Police, City Jhajjar, District Jhajjar. Same is taken on record.

On September 6, 2016 while recording the contentions of learned counsel for the petitioner that the detenue Roshni Devi is in illegal custody of respondent No.3, a Warrant Officer was appointed, who pursuant to order dated 6.9.2016 passed by this Court, visited the place(s) as

suggested by the petitioner. The petitioner along with the Warrant Officer searched the premises of Woman Police Station, Jhajjar thoroughly and also called the name of detainee Roshni Devi in loud voice, but she was not found there. Necessary entry in the DDR was recorded by the Warrant Officer. However, when the petitioner was asked to put his signatures on the register, he refused to put his signature and rather left away from the police station without taking into confidence the Warrant Officer. The Warrant Officer waited for sufficient long time. It is only when telephonic call was received from the petitioner that he would not be coming back to the Police Station and is not intending to get any further raid conducted in this regard at any other place, the Warrant Officer left for Chandigarh.

In view of the fact that detainee was not found in illegal custody of respondent No.3 and the Warrant Officer has visited the spot and submitted his report, the present petition is no more survives and is hereby dismissed.

September 15, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No