

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.1317-2016

Date of Decision:-17.10.2016

Rajni Bala

..Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Rajeev Anand, Advocate for petitioner.

Mr.Vivek Singla, Senior Panel Counsel for Union
of India.

HARI PAL VERMA J.(Oral)

Prayer made in the present petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of *Habeas Corpus* for releasing the detainee, namely, Kuldeep Siingh from illegal custody of respondents No. 2 to 4. Further, prayer has also been made to appoint a Warrant Officer to search the said detainee.

Believing the pleading of the present petition, this Court has issued notice of motion in the case for today.

Mr.Vivek Singla, Senior Panel Counsel appearing for Union of India, has produced a copy of the order dated 27.09.2016. The same is taken on record.

A perusal of the order reveals that the petitioner has been charged on three different counts:-

(i) First Charge AA Sec 63

An act prejudicial to good order and military discipline- Under
this charge, the alleged detainee at Jalandhar Cantt on 14.07.2016

feigned attempting to commit suicide in OR lines with his turban on the ceiling fan.

(ii) Second Charge AA Sec 63

An act prejudicial to good order and military discipline- Under this charge, the alleged detainee at Jalandhar Cantt between 18.02.2016 and 24.09.2016 improperly without due authority wore the stripes of appointment of Lance Naik, which he was not authorize to wear.

(iii) Third Charge AA Sec 63

An act prejudicial to good order and military discipline- Under this charge, the alleged detainee at Jalandhar Cantt between 02.07.2016 and 07.07.2016 improperly send SMS and voice messages from his mobile No.7086246374 to Mrs.Poonam Sahota's sim No.855695229, a lady employee at KAPS MRI and Scan Centre by hiding his actual identity.

For the aforesaid charges, he was awarded 28 days rigorous imprisonment and 14 days of pay fine.

Learned counsel for the UOI submits that as on date, the alleged detainee is undergong his sentence for the aforesaid charges and his sentence is to complete on 24.10.2016.

Heard.

In view of the aforesaid facts, as put forward by learned counsel for the UOI, this Court finds that the filing of the present petition under Article 226 of the constitution of India seeking writ in the nature of Habeas Corpus, is nothing but total abouse of the process of law.

Dismissed.

(HARI PAL VERMA)
JUDGE

17.10.2016
Anjal

Whether speaking/reasoned? *Yes/No*

Whether reportable? *Yes/No*