

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

CRWP No.1349 of 2016
Date of Decision: 10.10.2016

Anita Kataria

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE GURMIT RAM

Present: Mr. Pardeep Kumar Rapria, Advocate
for the petitioner.

GURMIT RAM, J.

This petition is filed for issuing a writ in the nature of Habeas Corpus for declaring the custody of the detenue namely Omparkash s/o Ramprasad as illegal one. Further prayer is made for the immediate release of the detenue from District Jail, Gurgaon who is confined therein in FIR No.1036 dated 06.10.2016 Police Station, City, Gurgaon under Sections 323, 354-A and 506, IPC.

Notice of motion.

At the asking of the Court, Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondents. A copy of the petition be supplied to him immediately.

It is contended by learned counsel for the petitioner that abovesaid detenue-Omparkash has been detained in the jail in abovesaid case involving bailable offences. He applied for bail before the learned Magistrate which is stated to be still pending.

In view of the above, if the detenue is detained in this case for the all bailable offences, then in that eventuality learned Illaqua Magistrate/Duty Magistrate is directed to dispose of his bail application forthwith not later than 3 days from the date of receipt of copy of this order.

In case it is found that petitioner was detained in this case involving all the bailable offences, then in that eventuality learned Sessions Judge, Gurgaon is directed to look into the matter as to why the petitioner is detained in this case for so many days and to send report to this Court.

So far as the compensation as sought for vide this petition is concerned, the petitioner is at liberty to claim the same before the Civil Court concerned as per law and this petition stands disposed of accordingly.

(GURMIT RAM)
JUDGE

10.10.2016

Gaurav Sorot

1. Whether Reportable? No/Yes
2. Whether speaking/reasoned? No/Yes