

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRWP-85 of 2015

Date of decision: February 18, 2016

Jatender

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Siao, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Mr. Atul Kaushik, Advocate for respondents No.3 and 4.

Rajan Gupta, J. (oral)

Learned State counsel submits that detenue was not found at the brick-kiln in question. She has referred to reply filed by way of respondents No.1 & 2. Para 1 thereof reads as under:-

“1. That no complaint about the alleged illegal detention of the brother of the petitioner was made by the petitioner with the local police. However, on receipt of summons of this Hon'ble Court, ASI Taranjit Singh of P.S. Dehlon, Ludhiana, was deputed to know the facts during which it was revealed that the said brother of the petitioner namely Narotam Singh (alleged detenue) has not been detained by respondents no.3 and 4 and he has gone to his native village at Uttar Pardesh. It was also revealed that the alleged detenue was working as a Labourer at the Brick Kiln of respondents No.3 and 4 and he had taken advance payment from respondents no.3 and 4 and thereafter, the alleged detenue has gone to his native village at Uttar Pardesh and thereafter, the petitioner has filed the present writ petition just in order to create some false defence and to pressurize respondents no.3 and 4 not to demand back their money from the alleged detenue. Hence, the present petition is liable to be dismissed on this ground alone.”

In view of above, it is evident that petitioner is no longer in illegal detention. No cause of action survives in this petition.

Disposed of. Petitioner shall, however, be at liberty to avail appropriate remedy, if any other cause of action still survives.

(RAJAN GUPTA)
JUDGE

February 18, 2016
'Rajpal'