

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

**Criminal Writ Petition No.1618 of 2016
Date of Decision:-20.12.2016**

Kulwant Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Sukhtej Singh, Advocate for
Mr. Amit Rana, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for appointing a Warrant Officer to get released the detenue namely Jambar Singh son of Assa Singh and Raj Kaur wife of Davinder Singh, residents of VPO Sagara, Tehsil Patran, District Patiala from illegal custody of respondents No.3 and 4.

On notice of motion having been issued, learned State counsel has filed the reply on behalf of respondent Nos.1 to 3. Same is taken on record.

On the strength of the said reply, learned State counsel has

argued that an FIR No.130 dated 24.10.2016, under Sections 302/341 and Section 25 of the Arms Act, P.S. Moonak has been registered against the accused persons including Bhura Singh @ Bharpur Singh son of Bhan Singh, who is father of petitioner and his name has been cropped up in the supplementary statement made by complainant Gurmeet Singh. Learned State counsel further states that in order to put pressure on the police, the present petition has been filed. So far as detenue Jambar Singh and Raj Kaur are concerned, they are father-in-law and sister-in-law (wife of brother-in-law of petitioner). It is further stated that the alleged detenues are not in custody of the police.

Since there is already an FIR No.130 dated 24.10.2016, in which father of the petitioner is involved as an accused, it cannot be denied that the present petition might have been filed to mount pressure upon the police. As the alleged detenues namely, Jambar Singh and Raj Kaur are not in police custody, no order is required to be passed in the present petition.

Dismissed.

December 20, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No