

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.434 of 2016

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Date of decision:11.4.2016

Renu Bala and another

...Petitioners

v.

State of Punjab and others

...Respondents

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Aditi Girdhar, Advocate for the petitioners.
Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

This criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus and for appointment of a Warrant Officer, with a roving writ to search for the detenu, namely, Gurmeet Singh son of Shingara Singh resident of Gali No.14, Bhan Singh Colony, Raian Wala Road, Faridkot, District Faridkot, Punjab at the premises of the respondent No.3 or at any other place to be pointed out by the petitioners at the spot and get the detenu released from the illegal custody of respondent No.3 forthwith.

A Warrant Officer was appointed by this Court. The Warrant Officer visited the premises of Police Station Kotwali, Faridkot at 9.00 a.m. on 2.4.2016. Detenu Gurmeet Singh was recovered from the corridor of the said Police Station, he was sitting freely and was not found being guarded

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by anyone at that time. Gurmeet Singh also gave his statement in this regard in which he stated that he was called by ASI Harphool Singh on 29.3.2016 for investigation in FIR against his brother-in-law and on that day, he was again called at 8.00 a.m. for investigation of the said FIR. The Warrant Officer specifically stated in the report that the detenu was sitting freely and was not found being guarded by anyone at that time. As per the statement of the detenu, he stated that he came present in the said Police Station on 2.4.2016 at 8.00 a.m. on the direction of the SHO for investigation in FIR No.79 dated 29.3.2016 registered for the offences under Sections 363, 366 and 366-A IPC registered against his brother-in-law. As the SHO has called him for investigation only and never detained by him and he was not required in any case, therefore, he was released and handed over to the petitioners. The statement of Gurmeet Singh recorded by the Warrant Officer has also been placed on record.

Keeping in view the facts and circumstances of the present case and the report of the Warrant Officer, I find that the detenu has already been released and he was not in illegal custody as stated by the Warrant Officer. Therefore, no further action is required to be taken in this petition. Disposed of accordingly.

However, the petitioners are at liberty to avail any other alternative remedy, if any, as per law.

April 11, 2016.

(Inderjit Singh)
Judge

hsp