

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 51 of 2016
DECIDED ON: July 15, 2016

SURENDRA SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: None for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Vivek Singla, Senior Panel Counsel for UOI
for respondent No.4.

JASPAL SINGH, J (ORAL)

This is a petition under Article 226 of the Constitution of India preferred by Surendra Singh seeking issuance of writ in the nature of Habeas Corpus directing respondent No.2 or to appoint a Warrant Officer to locate the detenu Jitesh Singh Constable Driver, 51 BN, ITBP, Patiala, District Patiala.

2. At the time of issuance of notice of motion, following order was passed:-

This petition has been preferred by Surendra Singh under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus,

directing respondent No.2 to appoint a warrant officer to locate detenue, Jitesh Singh, Constable Driver, 51BN, ITBP, Patiala and to get him released from the illegal custody of respondent Nos. 4 to 6.

Notice of motion to respondents-State only, at this stage, for 21.01.2016.

On asking of the Court, Mr. Arjinder Singh Sidhu, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State. Copy of the petition has been supplied to him.

In the meantime, Registry is directed to appoint a Warrant Officer, who shall accompany the petitioner to visit the place(s) as pointed out by the petitioner to find out the detenue. In case, the alleged detenu is found in illegal confinement, the Warrant Officer shall enure his release forthwith. The Senior Superintendent of Police, Patiala and concerned Station House Officer are directed to provide necessary police help to the Warrant Officer, if need be. The Warrant Officer shall submit his report on or before the next date of hearing.”

3. The Warrant Officer was appointed in this case, who visited the place(s) as shown by the petitioner and submitted his report to the effect that he inquired from the officers for showing him the relevant order passed by the competent authority regarding the punishment awarded to the petitioner as pointed by them and they showed him the summary disposal register in which order passed by the Commandant, 51 Battalion, ITBP, Patiala on 09.01.2016 for punishing the petitioner for 28 days under Section 56 of ITBP Act, 1992 has been recorded. However, they refused to supply the copy of order of detention.

4. Further, the written statement on behalf of respondents No. 4 to 6 was also filed by Mr. Pritam Singh, Commandant, 51 ITBP Force, Chaura

Camp, Patiala.

5. A glance at the reply transpires that vide order dated 09.01.2016, the detenu was sentenced for 28 days force custody w.e.f. 09.01.2016 to 05.02.2016 and thereafter, he has been released.

6. In view of the above referred facts, instant petition has rendered infructuous and same is disposed of as such.

July 15, 2016
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(JASPAL SINGH)
JUDGE