

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.619 of 2016 (O&M)

Date of Decision: July 12, 2016

Sikandar Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.K.Arya, Advocate
for the petitioner.

Mr.D.S.Virk, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition 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 to search for the detenue namely Sohan Singh at the premises of respondent No.3 or at any place to be pointed out by the petitioner.

Notice of motion was issued and a Warrant Officer was appointed.

The Warrant Officer visited the Police Station Goindwal, District Tarn Taran at 9.35 P.M. on 06.05.2016 and entry in this regard was also made in the DDR. As per the report of the Warrant Officer, on search of Police Station Goindwal, District Tarn Taran, detenue Sohan Singh was recovered from the premises of the said police station and he was sitting in a

room near the Munshi room. When it was asked by the Warrant Officer from the Officer of police station, he stated that they did not detain the detainee and stated that he is not required in any case. The Warrant Officer also recorded the statement of Sohan Singh, in which he stated that he has been picked up by the police from his house on 04.05.2016 without any case and till date he was in the custody of the police.

As the detainee has already been got released by the Warrant Officer, therefore, no further action is required in the present petition, as it has become infructuous and the same is disposed of.

However, as the detainee was found in illegal custody at the police station Goindwal, therefore, State is directed to pay ₹20,000/- as compensation to the detainee within two months. This compensation will be in addition to any damages etc., if claimed independently by the detainee. The detainee is also at liberty to avail alternative remedies available to him.

July 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE