

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

**CRWP No. 953 of 2016 (O&M)
Date of decision: 02.08.2016**

Ajay Kumar

...petitioner(s)

Versus

State of UT and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. G.R. Nagar, Advocate,
for the petitioner.

Mr. Gautam Dutt, Addl. P.P.
for UT, Chandigarh.

Mr. Vivek Singla, Advocate,
for respondent Nos. 4 and 5.

JITENDRA CHAUHAN, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus on the ground that the detenu, who was physically and mentally tortured, was kept.

However, as per the report, the alleged detenu was detained under legal order passed by the Commandant, Transport Battalion, under the ITBP Act for 28 days with effect from

19.07.2016 to 15.08.2016. As per the record the detenu was involved in private profit making business with a concern named “Secure Life”, a commission based organization. Considering the fact that the petitioner was not kept in illegal custody, no case for interference is made out. However, the petitioner is suffering from diffuse disc bulge at L5-S1 and he is admitted in GMCH, Orthopaedics Department. Though he has not been advised surgical intervention at present but he is kept under observation. Therefore, it is ordered that once he is relieved of his acute symptoms, he be discharged and taken into custody if required in terms of order by the competent authority.

Dismissed.

02.08.2016

sumit sri

**(JITENDRA CHAUHAN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**