

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

**CRWP No. 1654 of 2016
Date of decision: 11.01.2017**

Gurjeet Singh

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM: HON'BLE MS. JUSTICE LISA GILL

Present: Mr. Abhimanyu Batra, Advocate for the petitioner.
Mr. Sultan Singh Gill, DAG, Punjab.
Mr. G.S. Jagpal, Advocate, for respondents No.3 and 4.

LISA GILL, J.

Prayer in this petition is for issuance of a writ of habeas corpus for production of petitioner's brother namely, Jasbir Singh, who was stated to be held in illegal detention by respondents No. 3 and 4.

Learned counsel for the State has filed reply by way of affidavit of Sh. Gurmeet Singh, PPS, Assistant Commissioner of Police, Sahnewal, Ludhiana on behalf of respondents No. 1 and 2 in court today. The same is taken on record subject to just exceptions.

Learned counsel for respondents No. 3 and 4 submits that he adopts the reply filed on behalf of respondents No. 1 and 2.

It is stated in the said reply that FIR No. 172 dated 15.12.2016 under Section 61 of Excise Act was registered at Police Station Jamalpur, Ludhiana against the brother -in-law of the petitioner namely, Jarnail Singh. The present petition has been filed only with a view to pressurize the police not to take any action against said Jarnail Singh. It is reported that the alleged detenue-Jasbir Singh voluntarily came to the premises of Police Post Mundian Kalan on 21.12.2016 on the pretext of submitting a complaint against someone. He then proceeded to use the wash room. When the

Warrant Officer called out his name, he emerged from the wash room. It is

denied that Jasbir Singh was picked up by the police or detained at the Police Post. There is no case/complaint registered against the said Jasbir Singh, who left the premises along with the petitioner on 21.12.2016.

A Warrant Officer was appointed by this Court on 21.12.2016. Report dated 23.12.2016 of the Warrant Officer is on record. It is reported that the Warrant Officer proceeded to Police Post, Mundian Kalan along with the petitioner on 21.12.2016 and at about 8.10 p.m. they reached the Police Post Mundian Kalan. They met HC Rajpal who was on 'Munshi Duty'. The Warrant Officer revealed his identity and inquired about alleged detainee- Jasbir Singh. However, HC Rajpal stated that the said Jasbir Singh is not in their custody. No one was found in the lock up room on the right side of the munshi room, which was locked. When the name of Jasbir Singh was called out aloud, he emerged from the toilet in the premises. He opened the door from inside himself and introduced himself as Jasbir Singh. He was recognized by the petitioner as his brother. It was inquired from HC Rajpal as to how the alleged detainee managed to enter the Police Post. It was informed by HC Rajpal that there was no complaint against the detainee nor he had been brought by any of the personnel of the Police Post and Jasbir Singh had entered the premises a few minutes before the Warrant Officer arrived. It was revealed that the alleged detainee informed the police authorities that he had come there to give a compliant against someone and then he proceeded towards the wash room on the pretext of urination. Havaladar Harnek Singh also informed that there was none in their custody. ASI Sudarshan Kumar affirmed this position. Incharge of the Police Post Mundian Kalan, ASI Balbir Singh arrived after a little while and he also reiterated that there was none in their custody. He asked the Head Constable on munshi duty as to how the alleged detainee had come to the Police

Post. The Head Constable repeated that the alleged detainee had said that he wanted to get some complaint registered and then proceeded to use wash room. However, this was denied by the alleged detainee-Jasbir Singh, who stated that he had been brought there by some police personnel of that Police Post on 20.12.2016 in the morning. He, however, did not reveal the identity of any of said police personnel.

As per report dated 23.12.2016 of the Warrant Officer, the alleged detainee- Jasbir Singh along with the petitioner left the premises of the Police Post Mundian Kalan. Entry with regard to the raid conducted was made in the DDR register at GD No. 22 dated 21.12.2016 at 9.00 p.m.

Learned counsel for the petitioner, asserts that Jasbir Singh was illegally picked up by the police and taken to Police Post Mundian Kalan and illegally detained there, therefore, action should be taken against erring police officials.

Keeping in view the facts as noted above and specifically that the alleged detainee-Jasbir Singh is not being detained by anyone at this point of time, continuance of this petition for issuance of a writ of habeas corpus would not serve any purpose. No further orders are called for in the present proceedings. However, the petitioner as well as the alleged detainee-Jasbir Singh will be at liberty to avail any other remedy as may be available to them in accordance with law, with respect to the alleged illegal detention, if any, of Jasbir Singh.

The petition is, accordingly, disposed of.

(LISA GILL)
JUDGE

11.01.2017

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Whether speaking/reasoned : *Yes/No.*

Whether reportable : *Yes/No.*