

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

**CRM-W-146-2017 in  
CRWP No. 949 of 2016.  
Date of Decision: June 01, 2017**

Jaypal and another

**.....PETITIONER(s).**

**VERSUS**

State of Haryana and others

**....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Munish Kumar Garg, Advocate  
for the petitioner (s).

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**SURINDER GUPTA, J.**

**CRM-W-146-2017**

Heard.

This is application seeking recalling of order dated  
25.04.2017 passed in CRWP No. 949-2016 which read as follows:

*“Report of the Warrant Officer has been  
received wherein he has stated that concerned SHO  
has assured him that he will get the medical examination  
of Narender son of Surajbhan done at Civil Hospital,  
Narwana and he make the report accordingly.*

*None has appeared for the petitioner.*

*Learned counsel for the respondent submits  
that the FIR in which the petitioner was arrested has  
been quashed on the basis of compromise and the  
petition has become infructuous.*

*Dismissed as infructuous.”*

It appears that grouse of learned counsel for the petitioner is that he was not present on 25.04.2017 when this order was passed. In order to enable him to make submissions in the main petition, I allow this application.

**CRWP-949-2016**

Heard.

Petition was filed under Article 226/227 of the Constitution of India, seeking issuance of writ in the nature of Habeas Corpus, directing the respondents to recover and release detainee Mahipal (brother of petitioner No. 1) and Narender (son of petitioner No. 2). A Warrant Officer was appointed, who filed his report stating therein that detainee were found in lock-up room of MHC of Police Station Sadar Narwana. They had been detained there in a case bearing FIR No. 52 dated 24.03.2016 and FIR No. 89 dated 03.05.2016 registered at Police Station Sadar, Narwana. Warrant Officer also asked the SHO concerned to get detainee medically examined and reported that on insistence of the petitioners and undersigned, detainee were got examined at Civil Hospital, Narwana.

A clarification was sought from the Warrant Officer as counsel for the petitioners raised an issue that detainee were not examined at Civil Hospital, Narwana on the day Warrant Officer had visited. Warrant Officer vide his report dated 19.04.2017 clarified that he had mentioned in his report that SHO, Police Station Sadar Narwana assured him that he will get medical examination of detainee done in Civil

Hospital, Narwana.

Learned counsel for the petitioners submits that though the medical examination of detainee was conducted at Civil Hospital, Narwana but their X-rays was got done at private hospital.

On giving of careful thought to the submission of learned counsel for the petitioner, I find that no reason is made out to pass any further order as the facts are already clear. Petition is dismissed, as having being rendered infructuous with liberty to petitioners to avail other legal remedies available to them.

**June 01, 2017**  
*Jyoti-II*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:***  
***Whether Reportable:***

***Yes/No***  
***Yes/No***