

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.275 of 2017

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Date of decision:5.4.2017

Jai Kanwar

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for issuance of a writ especially in the nature of Habeas Corpus in order to secure the release of detenu, namely, Vishal Panwar son of Jai Kanwar, who has been illegally detained by respondents No.3 and 4. It has been further prayed that a Warrant Officer may be appointed with a direction to make roving search in order to secure the release of detenu from the illegal custody of respondents No.3 and 4 in the interest of justice.

Warrant Officer was appointed in this case, who was directed to submit his report before this Court.

The report of the Warrant Officer has been received. As per the

report of the Warrant Officer appointed by this Court, he along with the petitioner, his son Vijay Panwar, son-in-law Naresh Kumar and family friend Yashpal Singh reached CIA-III Staff, Panipat. He disclosed his identity and entered police station along with the petitioner and his relatives. Thereafter, they went to the MHC room. Alleged detenu-Vishal Panwar along with Sonu and Ravinder were found sitting in the room. MHC Saneet Kumar and HC Anil Malik were also present in the room. He asked MHC Sanjeet as to why Vishal Panwar has been detained in the room. He informed that alleged detenu-Vishal came to meet Ravinder. Thereafter, he asked Ravinder and Sonu as to why they were sitting there. They both informed that they came to meet Munshi. Thereafter, he took the Roznamcha register in his possession and moved towards the room of In-charge CIA Staff along with Vishal, Sonu, Ravinder, petitioner and his relatives. In-charge Chhabil Singh was not available there. On his again asking Ravinder informed that he is on remand in a case and Sonu informed that he came there to meet Munshi Sanjeet Kumar. Thereafter, the Warrant Officer asked MHC Sanjeet Kumar as to whether there is any case/complaint/FIR against the alleged detenu-Vishal, but he denied. Thereafter, the Warrant Officer asked MHC Sanjeet Kumar to release the detenu-Vishal. However, HC Anil Malik informed that Vishal Panwar cannot be released as he was accused in a case. Thereafter, the Warrant Officer asked for a copy of FIR, but he informed that copy of the FIR is not available. Then, the Warrant Officer took the Roznamcha and asked MHC Sanjeet Kumar and HC Anil Malik to accompany to the said Police Station.

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As the Warrant Officer along with petitioner and his relatives sat in a car and were about to move, HC Anil Malik tried to snatch the keys of the car from Vijay Panwar and MHC Sanjeet Kumar forcefully snatched the Roznamcha from his possession and ran away in the street. It is also in the report that thereafter, the Warrant Officer rang up the mobile number to Superintendent of Police which was not responded. Then he rang up mobile number of DSP and told about the incident. He informed that he would be there within few minutes. After waiting for some time, they all moved towards the Police Station Sadar, Panipat to report about the incident. On the way, the Warrant Officer received a call from DSP and the Warrant Officer informed to reach Police Station Sadar Panipat as they were about to reach there. Thereafter, the Warrant Officer made an entry in the Roznamcha at Sr. No.35 on 8.3.2017, at Police Station Sadar, Panipat. DSP Jagdeep Singh and In-charge Chhabil Singh, CIA Staff, also reached there.

On receiving the report, notice of motion was issued to Advocate General, Haryana and this Court called the Superintendent of Police, DSP Jagdeep Singh, MHC Sanjeet Kumar, HC Anil Malik and respondent No.4-Chhabil Singh, In-charge, CIA-III, Panipat, to appear in person in this Court on the next date of hearing and they were also directed to file their personal affidavits giving the facts in detail and to show cause as to why action should not be taken against the delinquent officers/officials.

Today, Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State. All above

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these officers/officials appeared before this Court and filed their personal affidavits, which have been taken on record.

I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Haryana, appearing for the respondent-State and have gone through the record.

The Superintendent of Police, Panipat, has brought to my notice that he has already suspended EHC Sanjeet Kumar and HC Anil Kumar. After hearing them, it came to the notice of this Court that there is no role played by Chhabil Singh, Sub-Inspector/In-charge CIA-III, Panipat and DSP Jagdeep Singh in the occurrence as they were not present at that time. As per the affidavit filed by Shri Rahul Sharma, IPS, Superintendent of Police, Panipat, Vishal has been arrested at 8.10 p.m. on 8.3.2017 and has been produced in the Court on 9.3.2017 and five days Police custody of the accused was granted. Therefore, this Habeas Corpus petition has become infructuous and no further action is required to be taken in this matter and the writ petition is disposed of.

However, as regards MHC Sanjeet Kumar and HC Anil Kumar, CIA-III, Sanauli Road, Panipat, they tried to obstruct the Warrant Officer Mr. Vijay Kumar Gupta from performing official duties, which amounts to showing disrespect to this Court and intentional violation of the order of this Court by these officials, therefore, they have committed the contempt of this Court by not complying with the order of the High Court and further created obstruction in the duties of Warrant Officer.

Therefore, the matter is referred for initiating contempt

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proceedings against MHC Sanjeet Kumar as well as HC Anil Kumar aforesaid.

April 5, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No