

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2361-2018

DATE OF DECISION: February 06, 2018

Rakesh Kumar

....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM:- HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr.Gopal Singh Nahel, Advocate for the petitioners  
Mr.Sahil Sharma, DAG, Punjab.

**SURYA KANT J. (Oral)**

The petitioner is one of the suspects in the cases which have been registered as a fall out of violence which took place on 25.8.2017 in Panchkula city and other parts of States of Punjab and Haryana as a result of arrest of Head of Dera Sacha Sauda, upon his conviction by the CBI Court, Panchkula in a case under Section 376 IPC. The petitioner alleges that he has been repeatedly taken to police remand in different criminal cases and is being subjected to third-degree methods of interrogation.

In our considered view, the question whether the police remand of the petitioner, in a particular case, is justified or not can be effectively determined by the Duty Magistrate/Ilaqa Magistrate.

Further, the petitioner can, in accordance with the provisions of Code of

Criminal Procedure, seek an appropriate direction against the alleged third-degree methods of interrogation and resist the police remand whenever sought by the police in accordance with law.

With the aforesaid liberty, the present petition stands disposed of.

(Surya Kant)  
Judge

(Augustine George Masih)  
Judge

(Avneesh Jhingan)  
Judge

06.02.2018  
KD