

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
CRM-M-30583-2011
Date of decision: 05.02.2018

BIRBAL DASS

..... Petitioner.

vs.

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pawan Attri, Advocate for
Mr. Fateh Saini, Advocate, for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J.(ORAL)

Prayer in this petition is for issuance of a direction to respondents No. 1 to 5 to take appropriate action against respondents No. 6 to 9 regarding illegal detention of the petitioner.

This petition is pending since 2011 and on perusal of the record shows that on three occasions, State of Punjab has filed the status report by way of affidavit of Investigating Officer.

As per affidavit dated 13.10.2017 filed by DSP City-II, Patiala, it is submitted that no case is pending against the petitioner nor he is wanted in any other case by the police of P.S.Tripuri, District Patiala.

Even on an earlier occasion, as per reply dated 02.03.2012 filed by DSP, City-2, Patiala, it is stated that the petitioner has even approached the Punjab State Human Rights Commission, but the petitioner never appeared for making any statement before the Inquiry Officer regarding his kidnapping or harassment by respondent No. 6 to 9.

In view of the affidavit dated 13.10.2017 and considering the fact that this petition is pending since 2011 and in the intervening period, no complaint has been filed by the petitioner against respondent No. 6 to 9 regarding any harassment etc., this petition is rendered infructuous at this stage.

However, it will be open to the petitioner to file a fresh petition in case, he still feel any harassment at the hands of the respondent(s). It will also be open to the petitioner to take appropriate steps in accordance with law regarding illegal confinement, if any, as alleged in this petition.

Disposed of.

05.02.2018
smriti

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No