

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

Crl. Writ Petition No. 1571 of 2015 (O&M)

Date of decision: November 15, 2018

Satnam Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Pawan Kumar, Senior Advocate with
Mr. Rozer Kumar Aggarwal, Advocate,
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

JAISHREE THAKUR, J.

This is a petition that has been filed under Article 226 of the Constitution of India for issuance of writ, order or direction, especially in the nature of Habeas Corpus for release of detenues, namely Joginder Singh son of Harbans Singh (hereinafter referred to as '**detenue No.1**') and Gagandeep Singh son of Manjit Singh (hereinafter referred to as '**detenue No.2**'), on the ground that they have been forcibly and unlawfully detained by respondents No. 3 and 4, who are S.H.O. and Gurwinder Singh, ASI, respectively of Police Station Dugri, District Ludhiana.

The facts in brief, as alleged are that Swarandeep Singh son of Manjit Singh, who is brother of detenue No.2, had some disputes with regard to Comety (Kitty) with some persons of his locality. On the complaint of those persons, respondent No. 4, along with 20-25 persons

aided the house of Swarandeep Singh and asked about his whereabouts.

When the family members told that Swarandeeep Singh is not at home, then they asked about detenue No.2. On being informed that detenue No.1 is running a shop of garments at Ludhiana, respondent No.4 raided the said shop and arrested detenue No.2 and took him to Police Station Dugri about 10 a.m. on 26.10.2015.

On detenue No.2 being illegally detained by respondents No. 3 and 4, detenue No.1 went to the Police Station to know about his whereabouts and asked respondents No. 3 and 4 about illegal detention of detenue No. 2 as he was not involved in any case nor named in any FIR till that date. The respondents instead of informing about the whereabouts of detenue No.2, also detained detenue No.1 and told that they will not let them go home till the time Swarandeeep Singh is produced before them. When the petitioner came to know about the illegal detention of the detenues, he along with respectable went to the Police Station and asked about the whereabouts of the detenues, but the police flatly refused to inform about the whereabouts of the detenues. In fact, the detenues were detained forcibly and unlawfully by respondent No.3 and 4.

On the instant petition being filed on 27.10.2015, a Warrant Officer was appointed by this Court to locate the whereabouts of the detenues at the Police Station Dugri and it was directed that if found in illegal custody they shall be released.

In pursuance to the order passed by this Court, a Warrant Officer visited the aforesaid Police Station and found the aforesaid detnues present there. On inquiry, it was informed that there is a complaint against Gagandeep Singh (detenue No.2) with regard to some Comety (Kitty) and

molestation with the complainant, namely Savinder Kaur and both the parties were called in the Police Station at 6 p.m. to inquire into the matter. The SHO denied the allegations levelled by the petitioner and told that the detenues were called in the Police Station only for the purpose of the inquiry into the complaint made by Savinder Kaur and he has no objection if both the detenues are taken away. Accordingly, the Warrant Officer got the detenues set free from the Police Station. A copy of the statement made by the police official is annexed as Annexure A.

Apart from the report of the Warrant Officer, a reply has also been filed by respondents No. 1 to 3, wherein it has been reiterated that one application, bearing diary No. 933-5D dated 27.10.2015, was received from Savinder Kaur for taking legal action against Gagandeep Singh for committing fraud with her on the pretext of running kametis (mutual fund schemes) and also allegedly outraging her modesty. A copy of the complaint has been annexed as Annexure R-1/T with the reply. The complaint was marked to ASI Gurvinder Singh for inquiring into the matter, who issued summons under Section 160 of the Code of Criminal Procedure to Gagandeep Singh and in pursuance of which the alleged detainee Gagandeep Singh along with Joginder Singh came to be present in the Police Station. A copy of the summon has been annexed with the reply as Annexure R-2/T. It has been further averred that on inquiry so conducted into the complaint moved by Savinder Kaur, offences under Sections 354-A, 323 and 506 IPC were made out, and accordingly on recommendation, FIR No. 135 dated 29.10.2015 under the aforesaid sections was registered against Gagandeep Singh, alleged detainee. On registration of the FIR, Gagandeep Singh

surrendered and arrested on 13.1.2016 and released on on bail by the Additional Sessions Judge, Ludhiana on 18.1.2016. It has been alleged that the petitioner concealed the above material facts in order to pressurize the police from taking appropriate legal action against Gagandeep Singh.

I have heard learned counsel for the parties and also perused the record.

It appears that a complaint was lodged by Savinder Kaur against Gangandeep Singh, alleged detainee and in this connection the Investigating Officer had called him in the Police Station, vide Annexure R-2/T. Therefore, Gagandeep Singh along with Joginder Singh (both alleged detainees) had visited the Police Station. In any case, since both the alleged detainees have been released, no further orders are called for.

Dismissed.

November 15, 2018

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No