

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 23.02.2018

1. CRWP-1313-2017

Jaswant Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

2. CRWP-1343-2017

Sarpanch Gram Panchayat Behak Khass

... Petitioner

Vs.

State

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.S. Rana, Advocate
for the petitioner (in CRWP-1313-2017).

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these criminal writ petitions is for issuance of a writ in the nature of habeas corpus directing respondents No.2 to 5 to recover the detenue namely Mangat Singh and producing him before the Court.

CRWP-1313-2017 is filed by Jaswant Singh, brother of the detenue Mangant Singh and another petition i.e. CRWP-1343-2017 was registered on a complaint received by post by Hon'ble the Chief Justice from the Gram Panchayat Ghurka and Village Ladhuka, Tehsil and District Fazilka.

Vide order dated 07.11.2017, a Warrant Officer was appointed and the Warrant Officer has submitted a report dated 09.11.2017 that he has searched the premises of Police Station Sadar Fazilka at 9.15 a.m. on 08.11.2017 but could not find Mangat Singh. He also searched the Police Station CIA Fazilka on the same day and Mangat Singh was not found there also. The Warrant Officer visited the Police Post Ladhuka, District Fazilka and the detainee Mangat Singh was not found there and thereafter, he visited the premises of Police Station Jalalabad, District Fazilka, where MHC informed that an FIR No.207 dated 04.11.2017 under Sections 21, 29, 30 of NDPS Act stands registered against Mangat Singh but no arrest has been made.

On 22.11.2017, the petitioner filed certain affidavits of the villagers including the affidavit of detainee Mangat Singh (Annexure P-3) and in the affidavits, it was stated that Mangat Singh has been released by the police. A perusal of the affidavit (Annexure P-3) shows that Mangat Singh has stated that he was taken away by the police of Police Station Sadar Fazilka and later on, he was thrown outside the police station on 11.11.2017.

Thereafter, two separate replies by way of affidavits of Deputy Superintendent of Police, Fazilka, District Fazilka have been filed in the Court and with regard to the affidavit filed by the detainee, it is stated that some of the persons, who have filed the affidavits (Annexures P-4 to P-11), are involved in some cases under the NDPS Act, detail of which is given in affidavit dated 19.02.2018. Similarly, in the another affidavit of the same date, the detail of cases pending against the persons, who have given the affidavits, is also given.

It may be noticed here that detainee Mangat Singh has already filed an application for anticipatory bail i.e. CRM-M-1705-2018, which is listed

today itself, which shows that Mangat Singh was never arrested in aforesaid FIR No.207 dated 04.11.2017.

In view of the above, both these writ petitions praying for a writ in the nature of habeas corpus for releasing the detenue Mangat Singh are rendered as infructuous.

[ARVIND SINGH SANGWAN]
JUDGE

23.02.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No