

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

CRWP No.182 of 2018

Date of Decision: 27.03.2018

Lovepreet Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K.Choudhary, Advocate for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab
assisted by ASI Palwinder Singh, PS GRP, Pathankot.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus directing respondent Nos.1 to 3 to release the detenue-Paramjit Kaur w/o Hira Lal being in the illegal custody.

In pursuance of the notice of motion issued by this Court on 08.02.2018, reply by way of affidavit dated 14.03.2018 of Sh. Gagandeep Singh, DSP, GRP, Jalandhar on behalf of respondent Nos.1 to 4 has been filed. The preliminary submissions, as contained in Para 2 thereof, reads as under:-

“ That, the petitioner has filed totally a false, baseless and vexatious petition by setting up a false and a concocted story. In fact, for tracing the murder case of husband of Paramjit Kaur namely Hira Lal deceased, the SHO/SI Balbir Singh, P.S. GRP Pathankot called the above said Paramjit Kaur and her son Manpreet Singh. The above said Paramjit Kaur and her son Manpreet Singh appeared before the SHO/SI Balbir Singh at Police Chowki GRP Gurdaspur at 1800 hours on 08.02.2018 along with Sh. Rajwant Singh, Municipal Councilor Gobind Nagar Batala. Balkar Singh (Maternal Uncle) of the petitioner also appeared in police station. When the matter was investigated by the SHO/SI Balbir Singh, Smt. Paramjit Kaur i.e.

mother of the petitioner confessed that she had committed murder of her husband Hira Lal along with her sons Manpreet Singh, Lovepreet Singh (Petitioner) and brother namely Jagtar Singh @ Lovely. The petitioner along with her son was produced before the court of Ms. Parminder Kaur Bains, Ld. SDJM Batala on 09.02.2018. As such the detenue was never kept in illegal custody. The police has discharged its duty honestly and diligently and succeeded in solving the blind murder case. It is pertinent to mention here that Sh. Vijender Singh, Warrant Officer, Hon'ble Punjab and Haryana High Court, Chandigarh, along with petitioner reached at Police Chowki GRP Gurdaspur at 00.40 A.M. on 09.02.2018, who also investigated the matter and found that the detenue is in legal custody. The petitioner who is also one of the murderers got filed the present petition with sole motive to pressurize the answering respondents from carrying on their duty honestly and fairly. ”

In view of the averments, reproduced hereinabove, it is apparently clear that the alleged detenue-Paramjit Kaur w/o Hira Lal (since deceased) is an accused in FIR No.0001 dated 01.01.2018, under Sections 302, 34, IPC, registered at Police Station GRP Pathankot and she was arrested on 08.02.2018 and produced before learned Sub Divisional Judicial Magistrate, Batala on 09.02.2018.

Consequently, by no stretch of imagination, it can be said that the said Paramjit Kaur is in the illegal custody of respondent No.2.

In view of above, there is no merit in the present petition, therefore, the present petition is dismissed.

March 27, 2018

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>