

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

CRWP-682-2018

Date of decision: 06.09.2018

Deepti Viridi**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the criminal writ petition, filed under Article 226/227 of the Constitution of India, is for issuance of a writ in the nature of Habeas Corpus for the release of detenue Davinder Kumari w/o Late Sh. Santosh Kumar, Narbadha Bagga w/o Rajiv Kumar and Kristina (Kavya) d/o Rajiv Kumar who are alleged to be under the unlawful detention of respondents No. 3 and detained in the house of respondent No. 2.

Upon notice, reply by way of affidavit of Inspector/SHO, Police Station Division No. 6, Police Commissionerate, Jalandhar has been filed in Court today and the same is taken on record. In the reply, it is stated that an FIR No. 217 dated 21.08.2018, under Sections 307, 323, 324, 341, 506 of the IPC and Sections 25 and 27 of the Arms Act was registered against Girish Kumar (brother of the petitioner) on the statement of one Raj Kumar in which it was stated that said Girish Kumar came on a vehicle and fired a gun shot on the complainant with his revolver with an intention to kill him. It is further stated in the reply that after registration of the FIR, the

police inspected the spot, prepared the site plan and recorded the statement of the complainant under Section 161 Cr.P.C. including the statement of the witnesses as detailed in the affidavit. Later on, during investigation, the MLR of the complainant was obtained from the hospital and the vehicle involved in the incident was taken into police custody and a .12 bore double barrel gun was recovered from the said vehicle. The CCTV footage (DVR) from the spot was also taken into police possession from the house of Girish Kumar. It is further explained that there was strong apprehension of breach of peace and security, therefore, police force was deputed in the area of Abadpura i.e. place of occurrence after obtaining orders from the senior officers on 21.08.2018. As the place of incident in the aforesaid FIR is 8 – 10 feet away from the house of alleged detainees who had requested the police to protect their life and liberty and even they were apprehensive about their security and in order to maintain peace, on 22.08.2018, a Quick Reaction Team was also sent from the police line and in this regard, DDR No. 46 was also recorded. In pursuance thereof, certain police officials including lady constables were also deputed at the spot. Thereafter, another Quick Reaction Team was sent to the spot after recording DDR No. 29 and another set of police officials was deputed. It is further explained in the affidavit that at the time when raid was conducted by the Warrant Officer, the deponent was not present at the spot and after reaching the spot, he apprised the Warrant Officer about the aforesaid facts. It is further stated that the police has acted in performance of his duties to maintain peace at the spot and the action of the police has been duly recorded in the *Roznamcha*. It is also stated in the reply/affidavit that with regard to investigation of aforesaid FIR No. 217, a Special Investigation Team under

the supervision of ADCP-2, Jalandhar has also been constituted.

Report of the Warrant Officer is de-sealed, perused and attached with the file.

In view of the same, this petition is disposed of granting liberty to the petitioner to avail her alternative remedies in accordance with law.

September 06, 2018

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No