

CRWP-853 of 2018

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

CRWP-853 of 2018
Date of Decision: 12.11.2018

Hazra

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ashok Tyagi, Advocate, for the petitioner.
Mr. Vikas Chopra, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Reply by way of affidavit of Sukhbir Singh, Deputy Superintendent of Police, Nuh, District Nuh, on behalf of respondents No.1 to 3, filed in Court today, is taken on record.

Through this petition under Article 226 of the Constitution of India prayer has been made for issuance of writ in the nature of habeas corpus directing respondents No.2 and 3 to release detenu namely Saleem from illegal detention of respondent No.3.

In compliance of order dated 16.10.2018, Warrant Officer appointed by Registry of this Court visited Police Station CIA Staff and found detenu Saleem in the illegal custody of Inspector Shamsuddin, Incharge, CIA Staff. He was got freed.

As per statement (Annexure R-1) of Inspector Shamsuddin, alleged detenu Saleem was called for enquiry in connection with FIR No.647 dated 03.10.2018 registered under Sections 379, 411, 186, 332, 353

and 307 IPC at Police Station Nuh and was found not involved in the said

CRWP-853 of 2018

case.

As per report of the Warrant Officer, a sum of ₹50,000/- was returned by the aforesaid Incharge, CIA Staff, to uncle of the detenu who was taken into illegal custody on 10.10.2018 and was got freed by the Warrant Officer on 17.10.2018.

Considering the above factual position, respondent No.2 – Superintendent of Police, District Nuh, is directed to conduct enquiry and take disciplinary action against guilty police officials, including Inspector Shamsuddin within one month from the date of receipt of this order, in view of authority **Sebastian M. Hongry v. Union of India**, AIR 1984 SC 1026.

During enquiry, if it is found that police officials of the aforesaid CIA Staff had taken bribe for release of detenu Saleem, the same shall be got returned along with reasonable compensation.

In case, Superintendent of Police, Nuh, would try to hush up the matter to help his subordinate police officials, in that eventuality, appropriate action shall be ordered to be initiated against him by his superiors.

Disposed of.

November 12, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No