

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

263

CRWP-857-2018

Date of Decision:20.11.2018

Aaisdeep Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sukhdev S. Gopera, Advocate,
for the petitioner.

Mr. Tanvir Joshi, A.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of habeas corpus so as to release the detenues from the illegal custody of respondent No.5. The alleged detenues are Kuldeep Kaur, Mandeep Kaur and Manjeet Singh.

Vide order dated 21.10.2018, this Court had appointed a Warrant Officer to search the detenues at the place(s), as may be pointed out by the petitioner and in case the detenues are found in the illegal detention, to get them released forthwith.

Pursuant to the aforesaid order, the Warrant Officer had visited the place(s) as pointed out by the petitioner. He reached Police Station, Sanour at 7.00 PM and disclosed his identity. HC Angrej Singh, who was Munshi, in the Police Station was present there, whereas ASI Jasmail Singh

was the night duty officer. The Warrant Officer has specifically asked the

police as to whether they have arrested Smt. Kuldeep Kaur and her daughter Mandeep Kaur and Manjeet Singh, residents of village Shadipur, Tehsil and District Patiala. The Warrant Officer was informed that the police has arrested them for investigation as they are involved in FIR No.77 dated 20.10.2018. In this manner, the detenues were arrested in FIR No.77 dated 20.10.2018 and the Warrant Officer was confronted with the copy of the FIR.

In view of the above, the present petition seeking writ in the nature of habeas corpus no more survives, as FIR No.77 dated 20.10.2018 was registered against the detenues, for which they were arrested. The argument of the learned counsel for the petitioner that these detenues were in illegal custody, cannot be adjudicated upon in the petition filed seeking writ in the nature of habeas corpus. When, an FIR has already been registered against the detenues and they were arrested in the FIR, petitioner may invoke their remedy, if available under law.

Dismissed.

November 20, 2018

seema

(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No