

259.

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

CRWP-885-2018

Date of decision:13.11.2018.

JAGIR KAUR

... Petitioner

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Charanpreet Singh, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Petitioner Jagir Kaur has filed the present criminal writ petition under Article 226 of the Constitution of India seeking writ in the nature of habeas corpus directing the respondents to produce the detainee Tony son of Ashok Kumar, resident of Village Aur, District SBS Nagar and to set him at liberty.

Noticing the contention of the counsel for the petitioner that Tony is in illegal custody of respondents since 31.10.2018 and there being no other case against him, this Court, vide order dated 01.11.2018, had appointed a Warrant Officer in the case.

Pursuant to aforesaid order dated 01.11.2018, the Warrant Officer visited the Police Station Aur (SBS Nagar) at 11.30 PM. On checking the rooms thoroughly, the Warrant Officer found that a young man of approximately 27 years of age sitting in the room of Police Station with

handcuff along with two police personnel and that young man was duly identified by the petitioner as her son Tony. The Warrant Officer enquired about his presence from SHO Malkiat Singh, who informed that FIR No.14 dated 01.11.2018 has been registered against the accused Tony under Section 21 of NDPS Act. The report of the Warrant Officer is accompanied with the copy of FIR No.14 dated 01.11.2018.

Learned State counsel, on instructions from ASI Balbir Singh, states that there was another FIR No.53 against the alleged detainee Tony under the NDPS Act with Mukandpur Police Station regarding recovery of 150 grams of intoxicating powder dated 04.07.2015, and the trial in that case is in progress. However, this fact has been controverted by the counsel for the petitioner.

The argument of the State counsel that the petitioner herself is involved in as many as 7 FIRs which includes 4 under the NDPS Act, 2 under the Excise Act and 1 under the IPC, is not relevant at this stage.

Considering the fact that the alleged detainee-Tony is not in illegal custody rather an FIR has been registered against him, this Court finds that the filing of the present petition in the nature of habeas corpus is with an object to exert pressure upon the respondents.

Dismissed.

(HARI PAL VERMA)
JUDGE

13.11.2018
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.