

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.194 of 2019

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Date of decision:08.03.2019

Karandeep Kaur Hundal

...Petitioner

v.

State of Haryana and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for the release of detenu, namely, Supinder Singh-husband of the petitioner from the illegal custody of respondent No.4 and her associates and further to appoint a Warrant Officer for conducting the raid at the place as may be pointed out by the petitioner and to produce the detenu before this Hon'ble Court as respondent No.4 has concealed him and even lodged FIR No.126 dated 16.6.2016 for the offence under Section 306 read with Section 34 IPC at Police Station Matour, District S.A.S. Nagar (Mohali) against the petitioner and other person.

In this case, Warrant Officer was appointed, who was directed to submit his report before this Court.

Notice of motion to Advocate General, Haryana.

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On the asking of the Court, Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this criminal writ petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

At the time of issuance of order for appointment of Warrant Officer, it was made clear to the petitioner that if this petition is found false or fictitious, then a heavy costs will be imposed upon her.

At the time of arguments, learned counsel for the petitioner submitted that a false FIR has been got registered against the petitioner by stating that detenu-Supinder Singh had committed suicide, whereas Supinder Singh is alive and has been kept concealed and the petitioner knows about that place. At that time, it was also prayed that even the address where detenu-Supinder Singh has been kept concealed, has not been mentioned intentionally in the petition and the detenu can be got recovered by the Warrant Officer.

The report of the Warrant Officer has been received. A perusal of the report of the Warrant Officer shows that the detenu was not found nor it can be held that he is alive. It looks that the petitioner has filed this petition with the motive to create evidence in the FIR registered for the offence under Section 306 read with Section 34 IPC in which the present petitioner is stated to be an accused and that case is regarding the suicide committed by Supinder Singh-alleged detenu in the present petition.

Keeping in view the above facts, I find no merit in this petition

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and the same is dismissed with special costs of ₹10,000/-, which is to be deposited with the High Court Legal Service Committee within one month, otherwise the Registrar will recover it as arrears of land revenue.

March 08, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No