

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

CRWP No.397 of 2019 (O&M)

Date of Decision: May 27, 2019

Sandeep Gupta

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.P.Khera, Advocate for
Mr.L.M.Gulati, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition against State of Punjab and other respondents under Article 226 of the Constitution of India in the nature of Habeas Corpus for direction to get released detainee Pardeep Gupta from the illegal custody of respondents No.4 to 6, who are posted at Police Post Ghanupur Kale within the limits of Police Station Chhehratta, District Amritsar Rural.

Notice of motion was issued. Learned State counsel appeared in this case.

After hearing both the learned counsel, it is clear that detainee has already been released, therefore, no further action is required in this

petition and the same is dismissed as infructuous.

However, the detenue was found by the Warrant Officer illegally detained in Police Post Ghanupur Kale. As, there was no document or entry in the DDR, therefore, version of the Chowki Incharge that he has been arrested in the proceedings under Section 107/151 Cr.P.C. relating to case of another Police Post, cannot be believed, which prima facie shows that detenue has been illegally detained. Therefore, State Government is directed to pay compensation of ₹20,000/- to detenue Pardeep Gupta, to be deposited within two months from today with learned CJM, Amritsar, which is to be paid to the detenue as per law. State Government shall recover this amount from the Police Post Incharge ASI Satpal Singh or the official responsible for detaining Pardeep Gupta illegally. It is made clear that detenue is also at liberty to avail all the remedies including asking for compensation for illegal detention or to file any criminal proceeding, as per law, if so advised.

It is further directed that State Government through Commissioner of Police, Amritsar, will submit the report after three months regarding compliance of the order i.e. depositing of ₹20,000/- with learned CJM, Amritsar.

May 27, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No