

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

**CRWP No. 513 of 2019
Date of decision: 11.07.2019**

Labh Singh

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. S. Behl, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

Mr. A. D. S. Jattana, Advocate
for respondent Nos. 5 and 6.

ARVIND SINGH SANGWAN, J. (Oral)

The present criminal writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus directing the respondent Nos. 5 and 6 to release the detainee Shokeen, resident of Kota as well as truck bearing registration No. HR-38-W-2032, loaded with goods, illegally confined by respondent Nos. 5 and 6.

In pursuance to the order dated 03.06.2019, the Warrant Officer has submitted a report that the detainee was released.

A perusal of the report of the Warrant Officer shows that when the Warrant Officer along with police team reached the office of aforesaid truck union, he did not find the aforesaid truck or the detainee. Thereafter, he along with his associates searched the entire premises of the truck union but neither the truck nor the detainee was found there. On the asking of the Warrant Officer, the petitioner and his associates called the driver on

telephone who told that he was standing along with truck at a distance of approximately 03 Kms. from the truck union office. After ten minutes, alleged detainee Shokeen reached in the office of the truck union and informed that he brought the entire incident regarding his illegal detention into the notice of his Manager i.e. Labh Singh (petitioner herein) on telephone, who further informed the entire incident to the owner of the Company and on that very day, he was released by the persons of Union Office at a distance of 03 Kms. from union office on the apprehension that the owner and the Manager are doing some legal proceedings against the illegal detention of truck and detainee but he is unable to recognize the person who brought him in the Union Office. It is, thus, reported that the Warrant Officer along with owner, Manager, alleged detainee, petitioner and the police party came back to the police station and finding that the truck and the alleged detainee were not required in connection with any case/FIR, they were allowed to leave.

Reply, filed by way of affidavit of DSP, Dera Bassi, on behalf of respondent Nos. 1 to 4, is already on record. In the reply, it is stated that on receiving a complaint from the petitioner, the same was entrusted to ASI Krishan Chand and the police team accompanied the Warrant Officer for conducting the raid at the premises of Welcome Light Commercial Operator Union, Lalru and a DDR No. 44 dated 03.06.2019 was registered. It is further stated in the reply that when the police team along with the Warrant Officer reached the union office, the detainee was called at the spot by the Warrant Officer on his mobile phone and he reached there after ten minutes and informed that his truck and goods were detained by the persons of union for the last two days and in this regard, a DDR No. 44 dated 03.06.2019 was recorded.

It is further stated in para 6 of the reply that the petitioner got recorded his statement that since his canter and the alleged detenue were no more in custody of the truck union, they do not want any further action on the complaint.

In view of the same, this petition is hereby dismissed.

11.07.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No