

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

CRWP No.554 of 2019
DATE OF DECISION : 25TH JUNE, 2019

Gurbaj Singh

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Piyush Sharma, Advocate for the petitioner.

Ms. Anu Pal, Deputy Advocate General, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

By filing this petition under Article 226 of Constitution of India, petitioner is seeking release of alleged detainee, namely, Gurmej Singh, from the custody of respondent No.3.

Notice of motion was issued on the last date of hearing. Accordingly the learned State counsel has filed reply by way of affidavit of Sh. Sandeep Goyal, Senior Superintendent of Police, Ferozepur, stating therein that on 19.06.2019 ASI Rajesh Kumar of CIA Staff, Ferozepur along with other police officials were going on official vehicle on patrolling from Police Station Cantt. towards the area of Police Station Kulgari. At that time a secret informant had informed regarding involvement of certain persons in the crime of affixing fake number plates on accidental vehicles and on the stolen vehicles and regarding forging their registration certificates for further selling the same. Pursuant to the said information a ruqa was sent to the Police Station at 2.10 pm on 19.06.2019. On the basis of the ruqa FIR No.58 dated 19.06.2019 was registered under Sections 379, 411, 240, 465, 467, 468 & 471 IPC at Police Station Kulgari.

Thereafter a barrier was erected. When the police was in the process of checking the vehicles at the barrier, then a Swift Car came; in which three persons were sitting. The car was got stopped. After stopping the car one person Jagjit Singh @ Jagan came out of the car and fled away from the spot. However, two persons, namely, Yadwinder Singh and one Gurmej Singh, who is alleged to be detainee in the present case, were found sitting in the car. Accordingly the alleged detainee; along with Yadwinder Singh; were arrested. An information was duly sent to their relatives. During the investigation, the alleged detainee has even made a disclosure statement, that some time ago he had stolen one Tractor of Mahindra make and one Bolero Pickup bearing Registration No.HP-72-9773. Pursuant to the said disclosure statement even the said Bolero Pickup as well as the Tractor are stated to have already been recovered.

Hence it is submitted in the reply that the alleged detainee was in the legal custody of the police at the relevant time and now he is in judicial custody.

In view of the above, this court does not find any reason to continue with the present petition. Therefore, the petition is hereby dismissed.

However, the petitioner or the alleged detainee shall be at liberty to avail their remedies, if any, against or qua the above arrest, in accordance with law.

25TH JUNE, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No