

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

CRWP-733-2018 (O&M)

Date of decision : 07.12.2019

Sarwan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Zubin Chhura, Advocate for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab
alongwith ASI Naveen Kumar.

ANIL KSHETARPAL, J. (ORAL)

Present petition has been filed under Article 226 of the Constitution of India seeking issuance of writ in the nature of habeas corpus.

On 11.09.2018, following order was passed:-

“Learned counsel for the petitioner submits that some persons stating themselves to be from CIA Staff, Kapurthala have forcibly entered into the house of the petitioner and captured the detenu by taking away in a private case without any reason and having no warrant of arrest. There is no case or complaint pending against the brother of the petitioner.

Notice of motion for 24.09.2018.

In the meanwhile, Registry is directed to appoint a Warrant Officer, who shall visit the place(s), as pointed out by the petitioner in order to locate the said detenu. If the Warrant Officer finds that the alleged detenu is in wrongful

confinement of respondent No.4, he shall get him released forthwith. The Warrant Officer shall submit his report on or before the next date of hearing. Fee of Warrant Officer, as fixed by the Registry, shall be paid by the petitioner.”

Warrant Officer found detinue in illegal custody of CIA Staff, Kapurthala at 10:50 PM and was accordingly got released.

Keeping in view the facts of the case, learned Chief Judicial Magistrate, Kapurthala was requested to hold enquiry into the matter regarding alleged illegal detention of detinue-Prithvi Singh. Learned Chief Judicial Magistrate, Kapurthala has submitted its report, concluding part whereof, reads as under:-

“17. Therefore, from the above discussion, it is clear that the confinement of detinue at Police Station City Kapurthala was legal due to registration of FIR against him and entry of his arrest. But, there is no explanation regarding the confinement of detinue Prithi Singh in CIA Staff, Kapurthala. Therefore, report alongwith attested copies of statement recorded and photocopies of documents, placed on record, is submitted for your goodself kind perusal.”

In view of the aforesaid report, no further orders are required to be passed.

Hence, the present petition is disposed of.

07.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No