

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

CRWP-1013-2019

Date of Decision : 29.11.2019

Neelam

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : None for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner filed present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for issuance of a writ in the nature of Habeas Corpus for directing respondents No. 2 to 5 to ensure release of detenues Rohit and Umesh, sons of the petitioner from illegal custody of respondents No. 3 and 4.

Vide order dated 30.10.2019, notice of motion (rule nisi) was issued and the Registry was directed to appoint a Warrant Officer.

In compliance with the above said order Warrant Officer conducted the requisite search proceedings and has submitted report according to which the detenues Rohit and Umesh were not found confined within the precincts of police post, Lehli, District SAS Nagar, Mohali but as per information give by MHC Gurpal Singh and ASI

Kulwant Singh the Warrant Officer visited Police Station Lalru, SAS Nagar, Mohali and found that detenues Rohit and Umesh had been arrested in case FIR No. 179 dated 28.10.2019 under Sections 379 read with Section 34 of the IPC registered in Police Station Lalru, District SAS Nagar, Mohali and had been produced in the Court of Judicial Magistrate, Dera Bassi and remanded to police custody.

In view of the report of the Warrant Officer, detenues Rohit and Umesh cannot be said to be in illegal custody and therefore, in the facts and circumstances of the case, issuance of a writ in the nature of Habeas Corpus is not called for.

Accordingly, the rule nisi is discharged and the Habeas Corpus petition is dismissed.

29.11.2019

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

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