

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

**CRWP No.1498 of 2018
Date of Decision: April 08, 2019**

Ashok Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Mehndiratta, *Amicus Curiae*
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The application sent by Ashok Kumar to the office of Hon'ble the Chief Justice, has been taken on the judicial side. The contents of the application are as under:-

“1. That on 23.11.2018 at about 4.10 pm, Mangat Ram son of Gahra Singh, resident of Patel Nagar made a telephonic call to me to the effect that my son Vikram Kumar @ Vicky had committed theft. At that time, Mangat Ram was present at Bajidpur Gurudwara Sahib which is at a small distance from my house. I rushed towards the house of Mangat Ram. At that time, his son was present at the house. After about ten minutes, Mangat Ram, his wife and mother-in-law also arrived there and the people of the vicinity gathered there. I came on the road in order to search my son, but I did not find him. At this,

I went to Ferozepur Cantt. on my motorcycle to search my son. My son of standing in a lottery shop under the influence of liquor on the light chowk of Ferozepur Cantt. I brought him at home with me. When I reached home, there was raula (cries) to the effect that articles had been found buried in the field. All the people of the village were present there. In the meantime, my wife and my son Sandeep Kumar also reached there. Mangat Ram's wife was standing while having all the articles in her lappet. They started stating that six tolas of gold and cash amounting to ₹50,000/- were lying with Vikram. I took Vikram to Police Station Kulgari and the Munshi asked me to take him to home and asked me to bring him in the morning as he was under the influence of liquor. I submitted an application in writing with Gurmeet Singh, Munshi, Police Station Kulgari. Next day, I made a telephonic call to Munshi and asked him about producing my son at the Police Station. At this, Munshi asked me to bring him there. I produced my son in the Police Station Kulgari on 24.11.2018 at about 12 noon. Sandeep Kumar son of Ashok Kumar and Om Parkash son of Harnek Singh, resident of Patel Nagar were also with me. We handed over Vikram to Munshi Gurmeet Singh.

2. That on 25.11.2018, Mangat Ram son of Gahra Singh gathered panchayat in the village including Manwinder Singh, Sarpanch, Fauji Dr.Gurcharan Singh, Gurnam Singh, Fauji Mahinder Singh and other respectable persons. Mangat Ram son of Gahra Singh asked either to give six tolas of gold or to hand over Vikram to him from the Police Station and they would do whatever they wanted to do with him. The Panchayat provided us time period of two days. On 26.11.2018, I met Gurmeet Singh, Munshi of the Police Station. He asked me to meet the Inspector at 4'O clock, but I failed to meet the Inspector.

3. That today i.e. on 27.11.2018, I went to Police Station Kulgari while taking along Manwinder Singh, Sarpanch with

me and asked Munshi Gurmeet Singh to make us meet with Vikram Kumar. At this, he replied that Sub-Inspector Kulwant Singh had taken him away with him. We talked to Sub-Inspector Kulwant Singh on phone and enquired about my son. At this, he replied that my son was not in his custody. I met the SHO. Then Sub-Inspector Kulwant Singh also arrived there. He informed us in the presence of the Inspector that Vikram was not in his custody. He told us to search Vikram and said that they would also be searching for him.

4. That aforesaid police officials have misplaced my son from the custody of the Police after having connived with Mangat Ram. I have apprehension that Police may implicate my son in some case (FIR) in a false manner or may cause harm to his life having connived with Mangat Ram.

It is, therefore, prayed that my son may kindly be traced out and he may be got recovered and necessary legal action may be taken against the accused(s).”

In this case, notice of motion was issued. Learned State counsel appeared and filed the reply. SI Kulwant Singh was also directed to file reply in the present case. Mr.J.S.Mehndiratta, Advocate was appointed as *Amicus Curiae* on behalf of the petitioner.

As per the reply, the FIR was registered against the detainee and he was produced before the Court and it is stated he has already been released on bail in that FIR. The allegations in the application were denied.

Learned State counsel contended that they have recorded the statement of Panchayat members etc. and also of the Doctor, under whose supervision the detainee remained admitted during the period in question.

Admittedly, detainee has been released on bail, therefore, no

further action is required in this case. Further, petitioner is at liberty to avail

remedies whatever available to him.

With the above-said observations, the present petition stands disposed of.

Fees of the *Amicus Curiae* be paid through High Court Legal Services Committee.

April 08, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No