

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

244

CRWP-1098-2019

Date of decision : 16.12.2019

Mukesh Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Fatehjeet Singh, Advocate
for the petitioner.

Mr. Arun Kaudal, DAG, Punjab
assisted by S.I. Ravinder Kumar.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus directing respondents No.1 to 3 to ensure release of detenue-Sonia wife of the petitioner from the illegal custody of respondents No.4 to 8.

Vide order dated 19.11.2019 passed by this Court, while issuing notice of motion, respondent No.2 was directed to look into the matter and submit a report.

Report not submitted by respondent No.2.

Learned State Counsel seeks time for submission of report by respondent No.2.

However, there is no requirement of grant of adjournment in the present case for submission of report by respondent No.2 as the learned Counsel for the petitioner has submitted that the petitioner had telephonic communication with the detenue and in view of the same

now the petitioner intends to file divorce petition against her and the petitioner does not want to continue with the present petition which may be dismissed as withdrawn.

In view of the aforesaid submission of learned Counsel for the petitioner, the present habeas corpus is dismissed as withdrawn.

Before parting with this case, it may be observed that in cases seeking issuance of a writ in the nature of habeas corpus which involve question of liberty of the detainee, it is expected that the police authorities will promptly act in compliance of the order passed by this Court by giving due priority to the matter and will not try to create excuses for non-compliance therewith. Respondent No.2-Commissioner of Police, Jalandhar is, therefore, directed to take appropriate action against the concerned defaulting police officials so that such lapse does not occur in future.

16.12.2019

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No