

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-79-2020 (O&M)
Date of Decision:-9.1.2020

Rajinder Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Imran Ahmad Ali, Advocate for
Mr. Mansur Ali, Advocate for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. Mr. Ashok Kumar Bazaz, Advocate has today put in appearance on behalf of respondents No.3 and 4 and has filed *Vakalatnama*, which is taken on record.
2. Pursuant to directions issued by this Court, report of Warrant Officer has been received, which reads as follows:

“ In compliance with the orders dated 06.01.2020 passed by Hon’ble Mr. Justice Gurvinder Singh Gill in the above-mentioned Crl.W.P., undersigned was appointed as Warrant Officer to accompany the petitioner to visit the premises of shop No.409/12, Gill Road, Scooter Market, Ludhiana to find the alleged detenues, namely, Amar Kumar and Nikku.

On receipt of orders dated 06.01.2020 at 05:40 PM, undersigned left Chandigarh at 06:20 PM for Ludhiana and reached at P.S. Divn. No.6, Ludhiana. After disclosing identity to Night M.H.C., Pramjeet Singh asked

about the SHO, to which he replied that he went to Night Guest in the illaqa. Thereafter the MHC called the Duty Officer and he came present within 15 minutes. Undersigned asked him to provide the police protection to conduct the raid at the afore-mentioned shop and he provided sufficient police protection for the said purpose which may kindly be perused at **Annexure 'A'**.

After taking the police party undersigned reached Shop No. 409/12, Gill Road, Scooter Market, Ludhiana and found the shop was locked with seal covered with kind of red mark on white cloth. In the meantime large no. of people of said locality had been gathered there. Out of them four persons, namely, Gurmeet Singh s/o Bagga Singh, Gurcharan Singh s/o Jasbir Singh, Rajesh Kumar s/o Rampal, Inderjeet Singh s/o Dharam Singh came forward and informed the undersigned that their shops are adjoining with the shop in question and on Sunday i.e. 05.01.2020, a person, namely, Lucky, employee of Municipal Corporation Ludhiana came with 6-7 other persons and locked the said shop and sealed the shop in their presence. When the said shop was locked by him, 2 male servants were also locked inside. All the adjoining neighbours made request to let the boys out from the shop but it had not effect on Lucky and he further told that nobody will get outside the shop.

On asking of undersigned, the Police Party who accompanied the undersigned had tried to contact over the phone to respondent No.3 and 4, but no positive response was received.

In the meantime, Mr. Sandeep Wadhra, ACP, Ludhiana and SHO Amarjeet Singh, P.S. Div. No.6 also reached there and in the presence of ACP Ludhiana, local residents and SHO Div. No.6 and undersigned got broken the sealed lock of Shop No.409/12, Gill road, Scooter Market, Ludhiana and found two boys inside the shop. On asking of the undersigned they told their names as Amar Kumar, aged 29 years and Nikku, aged 23 years, both the residents of Aajamgarh and Sultanpur, Uttar Pradesh, respectively. They further informed that they were working on the 1st floor of the said shop and after half an hour later, they came to know through their owner that the shop had been locked/sealed by the Municipal Corporation, Ludhiana and they remained locked inside the shop for more than 2 days and during this period they had not eaten anything and were not feeling well.

After releasing both the detenues undersigned brought them in the P.S. Div. No.6, Ludhiana and after making the necessary entry in the eRapat Rojnamcha, both the detenues were handed over to the petitioner and his associates.

It is specifically to mention here that both the detenues were found in the illegal detention made by Lucky, employee of Minicipal Corporation, Ludhiana at the time of raid.

Notice could not be served to respondent No.3 and 4 because of no response. Notice served to the respondent No.5 and he has also accepted the notice on behalf of respondent No.2, 3 and 4.

After making necessary compliance of the orders of the Hon'ble High Court, undersigned left the P.S. Divn. No.6 at 11.15 PM which may kindly be perused at **Annexure 'B'**.

Report is submitted for His Lordship's kind perusal please."

3. In view of the fact that the detenues have been released, the present petition seeking issuance of a writ in the nature of Habeas Corpus is rendered infructuous and is disposed of as such. However, in view of the report of Warrant Officer, the petitioner would be at liberty to have recourse to appropriate remedies as may be available to him.

9.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No