

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

249

CRWP-210-2020

Date of decision: 03.02.2020

Mukhtar Singh

.....Petitioners

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : None for the petitioner.

Mr. Arun Kaundal, D.A.G., Punjab

ARUN KUMAR TYAGI, J (ORAL)

Representation dated 24.12.2019 made by Sh. Mukhtar Singh to Hon'ble the Chief Justice of this Court by post was treated as habeas corpus petition and listed on judicial side.

In his representation Mukhtar Singh made allegations regarding illegal detention of his son Ranbir Singh alias Rana and his nephew Malkeet Singh.

Vide order dated 09.01.2020 State of Punjab, Commissioner of Police, Amritsar, Senior Superintendent of Police, Amritsar (Rural) and S.H.O. Police Station Lopoke, Amritsar were impleaded as respondents No. 1 to 4 and respondent No. 3 was directed to personally look into the matter and submit report.

Status report by way of affidavit of Mr. Vikram Jeet Duggal, IPS, Senior Superintendent of Police, Amritsar-Rural was filed on 17.01.2020.

In his status report, Mr. Vikram Jeet Duggal, IPS, Senior Superintendent of Police, Amritsar-Rural has submitted as under :-

“3. That it is humbly submitted that in compliance of the aforesaid order dated 09.01.2020 passed by this Hon'ble Court, the Deputy Superintendent of Police, Sub-Division

Attari, Amritsar Rural was directed to submit his detailed report after conducting a facts finding enquiry into the allegations being levelled in the present petition by the petitioner.

4. That it is humbly submitted that the Deputy Superintendent of Police, Sub-Division Attari, Amritsar-Rural has submitted his detailed facts finding report to the deponent, which is annexed herewith as Annexure R-1/T. According to the report submitted by the Deputy Superintendent of Police, Sub-Division Attari, Amritsar-Rural, it has been revealed that ASI Narinder Singh, In-charge of Police Post Ram Tirath of PS Lopoke, Amritsar-Rural visited house of the petitioner Mukhtar Singh at village Daoke, PS Gharinda, Amritsar-Rural. The petitioner Mukhtar Singh and Ranbir Singh @ Rana and Malkit Singh (alleged detenues) were found present at home. They were asked by ASI Narinder Singh for recording their statement with regard to the present petition, but they did not record their statement on the pretext that the police of Police Station Ajnala had earlier registered FIR against Nirbhail Singh alias Bhalo son of the petitioner. The FIR No. 167, dated 19.09.2019, under Sections 21, 25, 27-A NDPS Act, PS Ajnala, Amritsar-Rural has been registered against Nirbhail Singh son of the petitioner and Sukhwinder Singh @ Kala with regard to recovery of 275 gm and 01 kg heroin respectively from them.

5. That it is submitted that Ranbir Singh @ Rana son of the petitioner and his relative Malkit Singh indulge in finance work which they do at Sardar Agency, Amritsar road, Chogawan, Police Station Lopoke, Amritsar-Rural. Khushpreet Singh S/o Balbir Singh R/o village Basarke Bhaini, P.S. Gharinda, Amritsar-Rural is owner of this agency and his statement has been recorded by SI Harpal Singh, SHO PS Lopoke, Amritsar-Rural. Khushpreet Singh has stated that Ranbir Singh @ Rana and Malkit Singh (alleged detenues) were not apprehended on 23.12.2019 from his agency by any police party and they are coming to the agency daily as per their daily routine. The statement of Khushpreet Singh is annexed herewith as Annexure R-2/T for the kind perusal of this Hon'ble Court.

6. That it is humbly submitted that keeping in view totality of the facts and submissions made hereinabove, it is evident that the petitioner and Ranbir Singh @ Rana and Malkit Singh (alleged detainee) have not recorded their statements. However, Ranbir Singh @ Rana and Malkit Singh (alleged detainee) were not apprehended/arrested by any police party of Police District Amritsar-Rural on 23.12.2019. They are present at their house and they are attending their business as per their daily routine. ”

Vide order dated 17.01.2020 respondent No. 3 - Senior Superintendent of Police, Amritsar (Rural) was directed to ensure appearance of Ranbir Singh alias Rana and Malkeet Singh before this Court and in compliance with the above said order respondent No. 3- Senior Superintendent of Police, Amritsar (Rural) has accordingly ensured their appearance before this Court today.

Ranbir Singh alias Rana and Malkeet Singh have stated that ASI Rajpal, in charge, police post Kakkar, police station Lapoke, Amritsar (Rural) and Head Constable Gurmeet Singh posted in the above said police post had illegally detained them on 23.12.2019 and 24.12.2019 without arrest in any case and without intimating their family members.

Statements of Ranbir Singh alias Rana and Malkeet Singh have been recorded separately in this regard.

Since Ranbir Singh alias Rana and Malkeet Singh have already been released from alleged illegal detention, no further action is required to be taken in present habeas corpus petition which is disposed of accordingly.

However, Ranbir Singh alias Rana and Malkeet Singh shall be at liberty to take appropriate proceedings for redressal of their grievances regarding their alleged illegal detention on 23 and 24.12.2019 in accordance with law.

03.02.2020

kavneet singh

(ARUN KUMAR TYAGI)

JUDGE

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