

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

274

**CRWP NO. 1136 of 2020
Date of decision : 03.02.2020**

Mohd. Ikram

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for the respondents.

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, order or direction especially in the nature of habeas corpus to release the detenues- Mohd. Imran and Mohd. Yaseen from the illegal custody of respondent No. 3 who is posted as SHO, Police Station City-I, Malerkotla, District Sangrur.

Vide order dated 31.01.2020, notice of petition was given to and accepted on the behalf of respondents No. 1 to 3.

In compliance thereto, Mr. Sumit Sood, PPS, Deputy Superintendent of Police, Sub Division, Malerkotla, District Sangrur has filed his affidavit on behalf of respondents No. 1 to 3 today in the Court, which is taken on record.

In his affidavit, Mr. Sumit Sood, PPS, Deputy Superintendent of Police, Sub Division, Malerkotla has *inter alia* submitted as under:

“That it is respectfully submitted that pursuant to the receipt of information regarding filing the present

petition and passing of order dated 31.01.2020 by this Hon'ble Court, copy of petition was collected and in compliance of directions issued by this Hon'ble Court, S.H.O, P.S.City-I, Malerkotla was asked to verify the facts and report compliance. During inquiry, statement of Mohd Ikram, present petitioner has been recorded by the S.H.O, P.S City-I, Malerkotla on 01.02.2020 in which Mohd. Ikram has stated that in case FIR No. 186 dated 26.11.2019 u/s 302/34 IPC, and 25/54/59 Arms Act, P.S. City-I, Malerkotla, his brother Mohd. Subahan Pehlwan @ Sandu has been nominated as accused. The Police used to visit their house to enquire about his brother Mohd. Subhhanan Pehalwan @ Sandu and after enquiry the police return back. The local Police has never harassed any member of their family. However, out of fear he has filed Crl. Writ petition No. 1136 of 2010 in the Hon'ble High Court and the same is fixed for 03.02.2020. But he does not want any action regarding his Crl.Writ Petition, because his misconception is now cleared. True translated copy of Statement of Modh. Ikram (present petitioner) is annexed as Annexure R-1/T. According to the statement made by Mohd. Ikram, present petitioner no harassmet has been caused to the persons mentioned in the present petition.”

In his affidavit, Mr. Sumit Sood, PPS, Deputy Superintendent of Police, Sub Division, Malerkotla has further submitted that at present Mohd. Imran and Mohd Yaseen are not wanted by the Police in any criminal cases.

Learned Counsel for the petitioner, while reserving his right to pursue appropriate remedy in accordance with law, has submitted that since the detenues have already been released, the petition has become infructuous.

In view of the above, no further action is required to be taken in the present petition which is disposed of as having become infructuous.

03.02.2020
Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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