

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

**CRWP-3065-2020 (O&M)
Date of Decision:22.05.2020**

Hem Raj

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Abhay Pal Singh Gill, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Matter has been taken up through video conferencing via WhatsApp facility in the light of the Pandemic Covid-19 situation and as per instructions.

The case was taken up on 13.05.2020 and the following order was passed:

“Representation/request from Hem Raj had been received in this Court wherein it is alleged that Gobind Singh s/o Seeta Singh r/o Village Kot Dharmu is illegally captured by police Chowki Kot Dharmu District Mansa without any FIR. It is alleged that the applicant is being pressurised by incharge of the said police chowki to produce his son Kamaldeep Sharma alias Ghukkar before him and thus apprehends that a false case may be registered against the son of the applicant. The request so received has been treated as Criminal Writ Petition (Habeas Corpus) by order.

Notice of motion for 22.05.2020.

Registry is directed to appoint a Warrant Officer, who shall search the whereabouts of the alleged detenue, at the address mentioned in the writ petition or at any other place(s)

as may be indicated by the petitioner, and if, he is found in illegal custody of respondent(s), he be got released forthwith. The fee of the Warrant Officer shall be determined by the Registry as per the Rules and borne by the petitioner.

The specific report of the Warrant Officer be also placed on record before the next date of hearing.”

A report dated 15.05.2020 of the Warrant Officer, Sukhvinder Singh has been received and placed on record. The report of the Warrant Officer reads in the following terms:

“In compliance with the orders dated 13.05.2020, passed by Hon'ble Mr. Justice Girish Agnihotri, the undersigned was appointed as Warrant Officer in the above said case on 13.05.2020.

In view of the orders dated 13.05.2020 of Hon'ble Mr. Justice Girish Agnihotri, the undersigned reached at village Kot Dharmu, District Mansa at the residence of Shri Hem Raj, petitioner at about 12.30 p.m. on 14.05.2020 with regard to releasing of Shri Gobind Singh son of Shri Seeta Singh from the illegal custody of respondents. Shri Hem Raj, petitioner was present in the house and the matter was discussed with him. He has intimated that on 26.04.2020 Shri Gobind Singh was picked up by the police of Kot Dharmu. Thereafter, he was released in the evening on the same day. It has also been intimated by Shri Hem Raj that they have compromised in the police station Sadar Ramditta, District Mansa. He has also stated that at present he is not interested to pursue the matter further against the police (Anexure R-1). A statement of Shri Gobind Singh son of Shri Seeta Singh vilage Kot Dharmu has also been recorded and he has stated that he was picked up on 26.04.2020 by police Kot Dharmu. Thereafter, he was released in the evening around 5.00 p.m. on the same day. He has also intimated that a compromise has been made in the police station Sadar Ramditta, District Mansa between the parties. He

has also stated that at present he is not interested to pursue the matter further against the police (Annexure R-2).

Thereafter, the undersigned reached at Police Post Kot Dharmu, District Mansa at about 2.50 p.m. Shri Gurtej Singh, ASI Incharge of police post Kot Dharmu was present. The matter was discussed with him and Sri Gurtej Singh, ASI, has intimated that neither they have arrested to Shri Gobind Singh but Shri Gobind Singh was called in a complaint dated 24.04.2020 from Mrs. Amandeep Kaur w/o of Shri Surjit Singh, r/o Kot Dharmu on 26.04.2020 (Annexure R-3). After enquiry Shri Gobind Singh had gone to his home at about 5.00 p.m. on the same day. Thereafter, both parties gave written compromise on 30.04.2020 in the Police Station Sadar Mansa in the presence of Shri Balwinder Singh, SHO, Police Station Sadar Mansa (Annexure R-4). At present Shri Gobind Singh is not required in any case/complaint in the police post Kot Dharmu, District Mansa (Annexure R-5). In this regard the DDR has been registered at Sr. No.13 dated 14.05.2020 in the Roznamcha in police post Kot Dharmu, District Mansa (Annexure R-6).

A copy of the petition and order dated 13.05.2020 passed in CRWP No.3065 of 2020 has been served to Shri Hem Raj, petitioner as also to Shri Gurtej Singh, ASI in-charge police post Kjet Dharmu, District Mansa.

Thereafter, the undersigned proceeded back to Chandigarh.

Report is submitted for kind perusal please.”

As per report of the Warrant Officer, Sh. Gobind Singh was called at Police Post Kot Dharmu, District Mansa pursuant to a complaint dated 22.4.2020 received from Mrs. Amandeep Kaur w/o Sh. Surjit Singh. After inquiry, Sh. Gobind Singh had gone back to his home on the same day that he had appeared before the Incharge of the Police Post. Thereafter

both the parties have given written compromise on 30.04.2020 in Police Station Sadar Mansa in the presence of Sh. Balwinder Singh, SHO Police Station Sadar Mansa. As per report of Warrant Officer, Sh. Gobind Singh is not required in any case/complaint in the Police Post Kot Dharmu, District Mansa. In such regard, DDR has been registered at Sr. No.13 dated 14.05.2020 in the Roznamcha in the Police Post Kot Dharmu, District Mansa.

In the light of the report of the Warrant Officer, nothing survives in the instant habeas corpus petition and the same is disposed of as infructuous.

22.05.2020*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |