

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRWP No.3177 of 2020 (O&M)
Date of Decision: June 11, 2020

Kamna Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Satya Pal Jain, Additional Solicitor General of India
with Mr. Dheeraj Jain, Advocate
for Union of India as well as for the State of U.P.

Mr. B.S. Virk, Addl. AG Haryana.

JAISHREE THAKUR, J. (Oral)

The instant Criminal Writ Petition (Habeas Corpus) has been entertained under Article 226 of the Constitution of India on the basis of a complaint received in the Secretariat of Hon'ble the Chief Justice of this court regarding forcible abduction of the husband of the petitioner.

As per the complaint received, the grievance of the petitioner is that on 18.12.2019, Sujit Kumar (SHO), Yogesh Malik (SI) and other police officials of U.P. Police, Police Station Beeta-2, Kasna, District Gautam Budh Nagar barged into their house at about 5.15 a.m. and abducted the husband (Satish Kumar) of petitioner. Certain other police officials, and Jasbir Singh who entered her room also took away a cash

amount of ₹ 28 lacs that was collected to purchase some land. The description and registration numbers of the three vehicles alleged to have been used by the police officials, have been depicted in the petition. The occurrence is also alleged to have been captured in C.C.T.V. camera installed nearby. The grievance of the petitioner is that even though a complaint was submitted to the Station House Officer (Vipin) at Police Station Ismailabad, Kurukshetra on 18.12.2019 in this regard, but to no avail. Further, the brother of the husband of the petitioner, namely, Vinesh and some other family friends were informed of the occurrence, they too set off to Noida by vehicle No.HR41G-1818. Subsequently, when petitioner and Vinesh met Sujit Kumar (SHO), he disclosed that detainee was picked up by the police at the instance of Jasbir Singh son of Kashmir Singh resident of village Garh Ganga, District Hapur, Uttar Pradesh. In fact Sujit Kumar (SHO) pressurized the petitioner and her relatives to settle with Jasbir Singh and transfer a land measuring 5 acres in his name failing which the detainee (Satish Kumar) will be implicated in a false case.

Pursuant to the matter being treated as a Criminal Writ Petition (Habeas Corpus), notice was issued to Mr. Satya Pal Jain, Addl. Solicitor General of India along with Mr. Dheeraj Jain, Advocate as well as to the State of Haryana.

Mr. Satya Pal Jain, Addl. Solicitor General of India along with Mr. Dheeraj Jain, Advocate and Mr. B.S. Virk, Addl. AG Haryana state that the instant criminal writ petition should be rendered infructuous.

It is contended that husband of the petitioner was arrested on 18.12.2019 in FIR No.1180 of 2019 registered under Sections 8, 18 of NDPS Act and in FIR No.1181 of 2019 registered under Sections 8, 11 of NDPS Act at Police Station Bitra-2, Greater Noida, Gautambudh Nagar and thereafter, he has already been allowed bail by the court on 09.06.2020. It is also argued that rest of the allegation pertaining to forcible taking of 28 lacs from the room of the petitioner would not be a matter that can be adjudicated in the instant proceedings.

I have heard learned Senior counsel appearing on behalf of Union of India/State of U.P. as well as learned Addl. AG Haryana.

Status report filed by way of affidavit of Raj Kumar Walia, HPS, DSP, Kurukshetra dated 09.06.2020 is available on record, as per which the husband of the petitioner was arrested on 18.12.2019 in the aforesaid two FIRs registered under the NDPS Act at Police Station Bitra-2, Greater Noida, Gautambudh Nagar. In fact, the police recovered 63 KG Opium and an amount of ₹ 25 lacs in cash from the husband of the petitioner and other accused persons.

In view of the categoric submission made in the status report filed, it is made out that husband of the petitioner was arrested by the police and thereafter, he was sent to judicial custody. As of now, the husband of the petitioner has been released on bail by the court on 09.06.2020. Under these circumstances, no further action is called for in the instant criminal writ petition (Habeas Corpus). In case, the petitioner has still any grievance regarding the alleged amount of ₹ 28 lacs having

been taken from her room, she is always at liberty to take recourse in accordance with law.

The petition stands disposed of accordingly.

June 11, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No