

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.3195 of 2020(O&M)

Date of Decision:12.06.2020

Sarabjit Kaur

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG., Punjab.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for issuance of a writ of Habeas Corpus, seeking release of the detainee namely Manpreet Singh, allegedly in illegal custody of respondents no.4 to 6.

It is stated that respondent no.5-ASI Gian Singh, had called the detainee-Manpreet Singh to the police station on 17.05.2020 and he was taken in illegal custody. When the family members intervened, he was released by the police officials. However, on the next day, the petitioner's house was raided and the detainee was again taken by the police officials. Enquiries were made by the petitioner and her family members. They were informed that a complaint had been filed against the detainee by one Roma and Madan Lal. It is further alleged that the detainee and his family members were pressurized to pay a sum of ₹5,00,000/- to the family of Roma and Madan Lal. When the detainee and his family members refused to pay illegal

gratification, two friends of the detainee namely Honey and Lakha, were also picked up. However, they refused to make any false statement against the detainee and they were released. It is alleged that the detainee-Manpreet Singh, is in the illegal custody of respondents no.4 to 6 at Police Station Dhuri, District Sangrur since 18.05.2020.

Warrant officer was appointed in this case vide order dated 25.05.2020 and report has been submitted by the warrant officer on 27.05.2020, which is reproduced as under:-

“The undersigned along with Smt. Sarabjit Kaur, petitioner reached at Police Station City Dhuri, District Sangrur, Punjab on 25.05.2020 at about 06.40.p.m, with regard to releasing the detainee mentioned in the abovesaid Crl. Writ Petition, i.e. Sh. Manpreet Singh son of Sh. Harvinder Singh, who is cousin of the petitioner. The undersigned along with the petitioner searched the Hawalat of the Police Station City Dhuri, District Sangrur, Punjab and the abovsaid detainee was found there. Sh. Darshan Singh, S.H.O., was present there and he intimated that FIR bearing no. 97 dated 20.05.2020 (Annexure R-1) registered against Sh. Manpreet Singh under Sections 365, 34 IPC, at Police Station City Dhuri, District Sangrur, Punjab by Smt. Roma daughter of Madan Lal resident of Deha Basti Dhuri and thereafter, he was arrested on 25.05.2020 at 2.00.p.m by registering DDR No. 38 on 25.05.2020 (Annexure R-2). Further, he has stated that Sh. Manpreet Singh @ Mani and Sh. Mewa Singh @ Ranbir Singh would be produced in the concerned Court on 26.05.2020. Entry was made in the Roz Namcha, vide General Diary No. 40 dated 25.05.2020 (Annexure R-3). Statement of Sh. Darshan Singh, SHO and Gian Singh, ASI may kindly be perused at (Annexure R-4 & R-5), respectively. Statement of the petitioner namely, Smt.Sarabjit Kaur may kindly be perused at (Annexure R-6). Statement of the detainee, Sh. Manpreet Singh may kindly be perused at (Annexure R-7), wherein he has stated that he was

called for inquiry on 19.05.2020 and after the inquiry he was detained in the hawalat till date i.e., 25.05.2020 and now, it has been informed to him that he was arrested against FIR No. 97 dated 20.05.2020. Notice on behalf of respondent no.2 to 6, served to Sh. Paramjit Singh, Head Munshi of Police Station City Dhuri, District Sangrur, Punjab.

Hence after satisfaction of the petitioner the undersigned proceeded back to Chandigarh.

Report is submitted for kind perusal please.”

As per short reply dated 06.06.2020 of Sh. Racchpal Singh PPS, Deputy Superintendent of Police, Sub Division, Dhuri, District Sangrur, filed on behalf of respondents no.1 to 3, it is specifically stated that Manpreet Singh has been nominated as an accused in FIR No. 97 dated 20.05.2020. All allegations regarding Manpreet Singh being picked up in an illegal manner as projected in the petition are denied being incorrect. It is stated that initially FIR No. 97 does not find Manpreet Singh as an accused on the basis of application dated 19.05.2020. Detenue-Manpreet Singh, was nominated as an accused on the basis of the statement made by the complaint on 20.05.2020. DDR No. 6 dated 20.05.2020 in this respect was entered at about 11.00.p.m.

Learned counsel for the State submits that detenue-Manpreet Singh, as of now is in judicial custody.

Learned counsel for the petitioner has vehemently argued that there is sufficient proof to show that the detenue-Manpreet Singh was in-fact picked up by the police in an illegal manner prior to his nomination in the abovesaid FIR. It is submitted that there are number of persons who are ready to vouch for the same.

Heard learned counsel for the parties.

The present is a petition, seeking issuance of a writ of Habeas

Corpus for the production of the alleged detainee-Manpreet Singh, who is stated to be in illegal custody of respondents no. 4 to 6. It is not denied that detainee-Manpreet Singh, as of now is an accused in FIR No. 97 dated 20.05.2020 under Sections 365, 34, 323 IPC, Police Station City Dhuri.

Keeping in view the above, present writ petition is disposed of as infructuous. Needless to say, the petitioner/detainee-Manpreet Singh, are at liberty to avail the remedy/remedies as may be available in respect to the alleged illegal detention prior to the registration of the FIR.

12.06.2020

s.khan

**[LISA GILL]
Judge**

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