

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

223

CRWP-4789-2020

Date of decision: 17.07.2020

Balram Singh

.....Petitioner

Versus

State of Punjab & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Briz Mohan, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for issuance of a writ in the nature of Habeas Corpus for release of detenues namely Amanpreet Singh son of Resham Singh, resident of Village Dheerpur, District Jalandhar and Simranpreet Singh @ Sima son of Malkit Singh, resident of Village Lakhan Kallan, District Kapurthala from illegal detention of respondent No.4 by appointment of a Warrant Officer.

Vide order dated 11.07.2020 passed by this Court Warrant Officer was appointed to conduct the search.

The Warrant Officer submitted his report dated 12.07.2020 mentioning that on search he did not find the detenues in custody of police in the premises of CIA Staff, Jalandhar.

Learned Counsel for the petitioner had submitted on 13.07.2020 that detainee-Amanpreet Singh was produced before the Duty Magistrate on 12.07.2020 whereas whereabouts of detainee-Simranpreet Singh @ Sima are not yet known.

Learned State Counsel, on instructions from SI Kashmir Singh, has submitted that detainee-Simranpreet Singh @ Sima was arrested on 12.07.2020 in case FIR No.8 dated 13.01.2020 registered

under Sections 302, 341, 506, 120-B, 212 and 216 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Kartarpur, Kapurthala and was produced before the concerned Judicial Magistrate on 13.07.2020.

Learned Counsel for the petitioner has submitted that both the detenues had been kept in illegal detention by the police which contention has been refuted by learned State Counsel.

Admittedly, both the detenues are now in judicial custody under orders passed by the Court and cannot be said to be in illegal custody. The question of illegal detention of the detenues by the police can be determined on the basis of evidence to be produced in appropriate proceedings to be filed by the petitioner, if so desired. No further proceedings are required to be taken on the present habeas corpus petition which has become infructuous.

In view of the above, the petition is disposed of as having become infructuous with liberty to the petitioner to avail appropriate remedies by appropriate proceedings in accordance with law for redressal of his grievances regarding illegal detention of the detenues by the police.

17.07.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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