

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

CRWP No.6265 of 2020.
Decided on:- October 27, 2020.

Abhilash and another

.....Petitioners.

Versus

U.T. Chandigarh and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Suvir Sidhu, Advocate
for the petitioners.

Mr. J.S. Toor, A.P.P., U.T., Chandigarh.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioners have filed this criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus so as to direct the respondents No.2 to 4 to produce the alleged detainees i.e. Kamaljit Singh son of Ravinder Singh and Deepak Vohra son of Madan Singh Vohra, who are employer and manager of the petitioners.

On 20.08.2020, this Court had passed the following order:

Learned counsel for the petitioners states that Kamaljit Singh son of Ravinder Singh, aged about 27 years, resident of B-24, MCH-307, Mohalla Fatehgarh Road, Hoshiarpur and Deepak Vohra son of Madan Singh Vohra, aged about 25 years,

resident of Guga Peer Wali Gali, Hoshiarpur, the alleged detenues, have been illegally confined in the premises of Police Station Sector 36, Chandigarh. No FIR has been registered against them and even no arrest warrants have been issued. They are stated to be illegally confined in the aforesaid Police Station.

Accordingly, the Registry is directed to nominate a Warrant Officer who shall visit the premises of Police Station Sector 36, Chandigarh and search the whereabouts of the aforesaid alleged detenues and if found to be in illegal custody of the respondent(s), they be got released immediately. The Warrant Officer shall give a specific report as to whether the alleged detenues were found by him in illegal custody of the respondent(s) or not.

Let the report of Warrant Officer be submitted on or before 25.08.2020.

Copy of this order be given to the learned counsel for the petitioners under the signatures of the Bench Secretary of this Court.”

Pursuant to the aforesaid order, report of the Warrant Officer has been received.

Learned counsel for the petitioners has argued that the detenues were taken in custody in a non-cognizable and bailable offence, which is in violation of law.

Learned State counsel has disputed the allegation with regard to arrest of the detenues in a non-cognizable offence. He has submitted that since the department had reasonable ground in the form of authentic social media videos regarding illegal capturing of the animal in question by the

accused, they were arrested on 19.08.2020 by the investigating officer/Range Forest Officer for getting the recovery of the Rhesus macaque (Macaca mulatta) (monkey) and the detenues/accused were produced before the Court of Judicial Magistrate 1st Class on 20.08.2020 and proper procedure was followed. In this manner, the accused were not in illegal detention.

At this stage, learned counsel for the petitioner seeks withdrawal of the present petition, however, with liberty to avail the remedy(s) as permissible under law.

Dismissed as withdrawn with liberty aforesaid.

October 27, 2020

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No