

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

CRWP No. 6335 of 2020
Date of decision: 25.08.2020

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Neetu

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Shakti Singh, Advocate,
for the petitioner.

Mr. Anant Kataria, Addl. A.G., Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present petition, in the form of habeas corpus, has been filed for releasing the detenue namely Bala Devi w/o Prithvi Pal Singh and Narender Pal S/o Singhi Ram, who are stated to be in illegal custody of the official respondents.

An Affidavit has been filed by Inspector Jitender, Incharge, Crime Unit, Sector 10, Gurugram, in which, reference has been made to the FIR No. 235 dated 21.08.2020 under Sections 302/307/148/149 IPC and 25/54/59 of the Arms Act, 1959, P.S. Sector 9-A, Gurugram which was registered in connection with the murder of Shashi Kant @ Sunny, Anmol and Sameer. It has been submitted that as per secret information, the deponent alongwith other police officials alongwith lady ASI Sonika had departed for village Basai vide DD No. 05 dated 21.08.2020 to search for the accused persons and their family members. Narender Pal and Bala Devi had been brought and produced before Inspector Ashok Kumar for

interrogation and investigation. Thereafter, he alongwith his team had returned to the Crime Unit, Sector 10 vide DD No. 14 dated 21.08.2020. Thus, it has been pleaded that the detenues were never illegally detained and were only brought from village Basai and produced before SHO P.S. Sector 9, Gurugram, who was conducting the investigation.

An affidavit has also been filed by Sh. Ashok Kumar, SHO, P.S. Sector 9-A, Gurugram-respondent no. 5 whereby, it has been mentioned that FIR No. 235 dated 21.08.2020 under Sections 302, 307, 148, 149 IPC and Sections 25/54/59 of the Arms Act has been lodged at P.S. Sector 9-A, Gurugram against unknown persons. On investigation, it came to the knowledge of the Investigating Agency that the detenues as such had hatched a conspiracy for the murder of Shashi Kant @ Sunny, Anmol and Sameer. It is submitted that in such circumstances, Bala Devi was produced before the Duty Magistrate, Gurugram and sent to judicial custody at District Jail, Jhajjar, Similarly Narender Pal was also produced before the Duty Magistrate, Gurugram and was sent to judicial custody at Bhondsi Jail. Resultantly, the respondents have submitted that the detenues were arrested as per law and are in judicial custody and are not under illegal detention.

Counsel for the petitioner has sought to argue that the detention was as such after notice had been issued in this case on 21.08.2020.

Once the detenues as such are in custody in the above said FIR and three persons namely Shashi Kant @ Sunny, Anmol and Sameer have been shot dead, it is not for this Court to opine as to whether they have been falsely implicated or not in a writ of habeas corpus. It is for the said persons to seek their legal remedies in accordance with law and nothing survives in

the present petition.

Accordingly, the present petition stands dismissed. It is open to the detenues to avail of their alternative remedy regarding being falsely involved in the case, if so made out in the facts and circumstances of the case.

25.08.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

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