

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

222

CRWP-6638-2020

Date of decision: 22.09.2020

Harjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for respondents No.1 to 4.

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for directing respondents No.2 to 4 to release detainee-Rohit son of late Amarjit Singh (son of the petitioner), resident of Village Sur Singh, Tehsil Patti, District Tarn Taran, who has been illegally detained by respondents 3 and 4 in connivance with one Satnaam Singh @ Sattu and prayed for appointment of a Warrant Officer with roving writ to search and get the detainee released from the illegal detention of respondent No.3.

Briefly stated, the petition has been filed on the averments that during the panchayat elections, the petitioner and her family supported the candidate belonging to Shiromani Akali Dal. Respondent No.5 Satnaam Singh @ Sattu, who belongs to Congress Party, is deadly

against the petitioner and her family members and has used his influence over respondents No.3 and 4 to falsely implicate the detainee in some criminal case. Respondent No.3 in connivance with respondent No.4 has picked up detainee-Rohit from his house on 26.08.2020 at about 11:00 AM on the pretext of some interrogation and kept him in wrongful confinement and is shifting him from one police station to another to evade search. Till now, there is no complaint or FIR against the detainee. Accordingly prayer has been made for ensuring release of the detainee by appointment of a Warrant Officer.

In view of the averments as to illegal detention of Rohit by respondents No.3 and 4, vide order dated 29.08.2020, the registry was directed to appoint a Warrant Officer to search the premises of Police Station Bikhiwind, District Tarn Taran and Police Post Sur Singh, Bikhiwind, District Tarn Taran or any other place to be pointed out by the petitioner.

In compliance with the above said order the Warrant Officer submitted his report in a sealed cover which was opened in Court on 02.09.2020. As per the report of the Warrant Officer, detainee-Rohit was found sitting on a bench in the premises of Police Post Sur Singh, Tarn Taran and on query by the Warrant Officer detainee-Rohit replied that he had been picked up from his house on 26.08.2020 in the morning and was being continuously tortured since then.

Thereafter, notice of motion was issued to respondents No.1 to 4 only vide order dated 02.09.2020 and respondents No.1 to 4 were directed to file reply along with copies of relevant instructions

issued by DGP, Punjab regarding permissibility of preliminary inquiries on complaints made to the police officers and copy of CCTV footage, if any, installed in the police post.

In compliance with order dated 02.09.2020, short reply by way of affidavit of Rajbir Singh, PPS, Deputy Superintendent of Police, Sub Division Valtaha Camp at Bhikhiwind, District Tarn Taran and copies of relevant instructions have been filed through e-mail inter alia denying the allegations of illegal custody of detenue-Rohit. Print out of the same are taken on record.

In the course of resumed hearing today learned counsel for the petitioner has, on instructions from the petitioner, submitted that the petitioner does not want to continue with the present petition and the same may be dismissed as withdrawn.

In view of statement of learned counsel for the petitioner, the petition is dismissed as withdrawn with no order as to costs.

22.09.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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