

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-7997-2020

Date of decision: 05.10.2020

Rashid

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Hardial Singh Baath, Advocate for the petitioner.

Mr. P.S. Walia, Assistant AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Rashid, stated to be aged 35 years, has filed the present petitioner *inter alia* with a prayer for issuance of writ in the nature of habeas corpus and for appointment of Warrant Officer with a roving writ to search for the detenues mentioned in Para 4 of the petition from illegal custody of respondent No.4.

Learned counsel for the petitioner, based on the pleadings, submits that the detenues, mentioned in Para 4 of the petition, are family members of the petitioner. They are stated to be 18 in number, who have been allegedly illegally detained by private respondent No.4. In this regard, learned counsel for the petitioner relies on a judgment, passed by this Court, on 11.01.2013, in LPA-32-2013 titled as **Murti vs. State of Punjab and others**, wherein,

Division Bench of this Court had directed the District Magistrate to treat the issue as complaint and decide the same within a time bound frame. The petitioner is stated to have also filed a representation (Annexure P-1) before the District Magistrate, Jalandhar.

Notice of motion.

On asking of the Court, Mr. P.S. Walia, Assistant AG, Punjab, accepts notice on behalf of the State.

Without commenting upon merits of the case, this Court deems it appropriate to dispose of the present petition with a direction to the District Magistrate, Jalandhar (respondent No.2) to visit the premises of respondent No.4 himself or through the authorized officer and act in accordance with law to ensure the safety of the detenues. Respondent No.2 is further directed to record the statement of detenues (18 persons named in Para 4 of the petition) and in case, they are found to be detained in illegal custody of respondent No.4, he may proceed in accordance with law as per the Government instructions and take effective steps that may be required.

Let the needful be done within two weeks from the date of receipt of copy of this order.

A copy of this order be sent to the District Magistrate, Jalandhar (respondent No.2), by the Registry through e-mail or any other mode, so as to enable the said authority to do the needful expeditiously.

Criminal Writ Petition is disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

05.10.2020/anju rani

Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No