

CRWP-8960-2020

Date of Decision : 15.12.2020

Hardeep Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Raj Kumar Chandana, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Partap Singh, Advocate
for respondent Nos.4 to 8.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

Present petition has been filed under Article 226 of the Constitution of India praying for issuance for directions to the respondents No.2 and 3, to release or to produce the detainee Gurdeep Singh (brother of the petitioner) and Suman Rani wife of Gurdeep Singh as they are alleged to be in illegal custody of respondents No. 4 to 8.

Notice of motion was issued in the present case on 30.10.2020 and Warrant Officer was also appointed to search about the alleged detainee.

In the report which has been received from the Warrant Officer it has been stated by him that he had visited the residence of the respondents No. 4 to 8 but the alleged detainee was not found in the custody of aforesaid respondents. A reply has also been filed by the State in which it has been stated that the alleged detainee was not found in the custody of respondents

No. 4 to 8 and has further stated that on inquiry by the police, Gurdeep

Singh alongwith his wife Suman Bala were residing at Patiala and were contacted in Patiala and their separate statements were recorded and they have stated that they had never been detained by the private respondents at any place and they have further stated that they are living in Patiala with their free will and they have not remained in contact with their family.

Learned counsel for the petitioner has submitted that at the time of filing of the petition he was not aware that they were living together with free will and consent. He has further submitted that his land has been encroached by respondents No. 4 to 8 and therefore, appropriate directions be issued in this regard.

On the other hand, learned State counsel has submitted that present petition has been filed seeking habeas corpus and on the basis of the report of the Warrant Officer as has been received, no cause of action survives in favour of the petitioner because the alleged detainee never remained in illegal custody. So far as the second prayer is concerned, the same is not sustainable and for which the petitioner may avail civil remedy, if he desire so.

After hearing the learned counsel for the parties and after perusing the report of the Warrant Officer and the reply filed by the State, the present petition is dismissed in view of the fact that the alleged detainees were never detained by any person.

Dismissed.

(JASGURPREET SINGH PURI)
JUDGE

December 15, 2020

Manpreet

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