

Sr.No.104

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

CRWP-1 of 2021

Date of decision:21.01.2021

Balwinder Singh

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: By Order.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been registered on the basis of complaint received by post by one Balwinder Singh son of Sohan Singh, resident of Village Thind Dhariwal, Tehsil Batala, District Gurdaspur in which he has stated that Chowki Incharge SI Balwinder Singh and Munshi/ASI Balbir Singh, Police Station Ghuman and S.H.O. of Police Station Ghuman, have illegally picked up his son on 11.12.2020 at about 11:00 AM and have kept him in illegal custody and have been beating him and demanding Rs.3,00,000/- from the complainant.

On 01.01.2021, the Secretary, District Legal Services Authority, Gurdaspur was directed to visit the concerned police station and in case, the

alleged detainee was found in illegal custody, he be released forthwith.

Thereafter, the Secretary, Legal Services Authority had submitted a report on 02.01.2021 in which it was stated that he had checked all the lock ups of police station Ghuman but no detainee was found in the custody.

Thereafter, on 11.01.2021 this Court again directed the Secretary, Legal Services Authority, Gurdaspur to co-ordinate with the complainant whose mobile number and address was also given in the complaint and to ascertain the status of the persons who were found to be missing and in case, if so requires once again search at a place where the complainant, if, he so wants to be searched. The Secretary, Legal Services Authority was also directed to apprise this Court as to whether the alleged detainees have returned back or not.

Fresh report has now been submitted by the Secretary, Legal Services Authority, Gurdaspur dated 15.01.2021 in which it has been stated that he met with the complainant Sh. Balwinder Singh S/o Sohan Singh at his residence and inquired about the status of the person namely, Harpreet Singh S/o Balwinder Singh who was alleged to be missing. The complainant stated that at present his son is in Judicial Custody at Central Jail, Amritsar against FIR No.287 dated 20.12.2020 at Police Station

Ghuman, Tehsil Batala and got recorded his statement which has been attached with the

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report as Annexure-A. The status of missing son of the complainant was also ascertained from the S.H.O. Sh. Surinder Singh and I.O. Sh. Balwinder Singh, Police station Ghuman and they stated that two FIRs i.e. 285 dated 19.12.2020 under Section 379-B IPC and 287 dated 20.12.2020 under Sections 457, 380 IPC were got registered at Police Station Ghuman against the son of the complainant namely, Harpreet Singh and they further stated that complainant was taken into custody on 21.12.2020 and after taking into police remand on 22.12.2020 from the learned Court of Batala for 3 days and further for 1 day more sent to Central Jail, Gurdaspur for Judicial Custody on 26.12.2020.

In view of the report filed by the Secretary, Legal Services Authority, Gurdaspur wherein it has been stated that son of the complainant is in judicial custody, it can not be said that son of the complainant is in illegal confinement and therefore, the present petition is dismissed.

21st January, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No