

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

CRWP-538-2021(O&M)

Date of decision: 19.02.2021

Surinder Kumar

...Petitioner

Versus

State of UT Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Avinash Kumar, Advocate for
Mr. Kuldeep Tewari, APP, U.T. Chandigarh

HARNARESH SINGH GILL, J. (ORAL)

CRM-W-132-2021

Application is allowed as prayed for. Annexures P-1 to P-3 are taken on record.

CRWP-538-2021

Prayer in the present petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus and for appointment of a Warrant Officer to search detainee-Suraj @ Bhalu aged 14 years, son of the petitioner, at the premises of respondent No. 3 and to get the detainee released from the illegal confinement of respondents No. 3 and 4.

Learned counsel for the petitioner submits that respondent No. 4 picked up the detainee on 15.01.2021 at 3.00 P.M. without any reason and since then the detainee has been in his unlawful custody.

Vide order dated 17.01.2021 passed by a Coordinate Bench, the

Warrant Officer was appointed to get the detenue released from the illegal confinement.

In compliance thereof, the Warrant Officer has submitted his report dated 18.01.2021 stating therein that he had raided the premises of Police Station, Sector-31, Chandigarh, but the aforesaid detenue was not there, either detained or otherwise. When, on receipt of a telephonic call from the learned counsel for the petitioner, he again raided the premises of Police Station, Sector-31, Chandigarh, SI Santosh Kumar stated that Suraj @ Bhalu along with two other boys, namely, Nitish and Shambhu, were taken into custody in a FIR No. 5 dated 07.01.2021 registered under Sections 457 and 380 IPC, in an occurrence of copper stealing. All the 3 boys have been admitted to the Juvenile Home, Sector-25, Chandigarh, since 17.01.2021. The report of the Warrant Officer is taken on record.

Learned proxy counsel appearing for U.T. Chandigarh, points out that as per the reply filed by the SHO, Police Station Sector-31, Chandigarh, the alleged detenue is also involved in another FIR No. 213 dated 12.11.2020 registered under Sections 380 and 457 IPC (Section 411 IPC was added later on).

At this, learned counsel for the petitioner wishes to withdraw the present petition.

Allowed as prayed for.

Dismissed as withdrawn.

(HARNARESH SINGH GILL)
JUDGE

19.02.2021

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No