

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CRWP-652 of 2021
Date of Decision: 21.01.2021

Kashmir Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Deepanshu Mehta, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioner seeks the issuance of a writ in the nature of habeas corpus to release her sons namely, Tarjinder Singh and Pavittar Singh from the illegal detention of respondent no.3.

On 19.01.2021, the following order had been passed by this court:-

“Case heard by video conferencing.

A request has been made by the Registrar (Judicial) to the Reader of this court that as I am still holding court, the matter be put up before me if this court is inclined to interfere. It is also stated to have been ordered for listing in the supplementary list accordingly.

Consequently, the petition, which is otherwise stated to be now numbered as CRWP No.652 of 2021, has been sent to me by e-mail by the Reader of the court and is being taken up.

Learned counsel appearing for the petitioner submits that the petitioners' sons namely, Tarjinder Singh, aged 25 years and Pavittar Singh (stated to be 18 years by learned counsel), have been illegally

picked up from their home in village Dheypur, District Jalandhar, on 18.01.2021 at 11:00 a.m., with two other persons from the village having also witnessed the occurrence, with learned counsel further submitting that Tarjinder Singh was admitted to anticipatory bail by this court on 18.06.2020 upon him having filed CRM-M-13576 of 2020 in the context of FIR no.116, dated 28.04.2020 at Police Station Model Town, Hoshiarpur, alleging therein the commission of an offence punishable under Section 306 of the IPC.

He further submits that the petitioners' sons have been picked up on account of a dispute with the father of the complainant in the aforesaid FIR, with that person allegedly having influence with respondent no.3.

Without making any comment on the correctness of that contention, since the prayer in the petition for issuance of a writ of habeas corpus, and for the appointment of a Warrant Officer to try and trace out the alleged detenues, with learned counsel also submitting that as per the information of the petitioner, her sons have been taken to a particular place, a Warrant Officer be appointed to visit that place and any other place that the petitioner suspects that her sons have been taken to.

The Warrant Officer would “raid the places” that the petitioner suspects that her sons have been illegally detained, with the Warrant Officer to submit his report by the next date of hearing.

The expenses of the Warrant Officer, as per rules, would be borne by the petitioner.

Adjourned to 21.01.2021.

To be shown in the urgent motion list.”

Today, the report of the Warrant Officer appointed, dated 20.01.2021, has been received, stating therein that he alongwith the petitioner and a relative of hers “raided” the premises of the CIA Staff at Jalandhar, as also of the CIA Staff, (Rural), Jalandhar, of the Special Task Force, Jalandhar and Police Station Division No.5, Jalandhar, in all of which the petitioners' sons were not found to

have been kept in any kind of detention, and in fact were not found to be present all.

Thereafter, as per the report, the petitioner stated that she did not wish to take the Warrant Officer to any other place (as she probably did not know where she should search).

That being so, learned counsel for the petitioner submits that with the petitioners' sons not having been found at the places that the petitioner suspected that they may have been kept in illegal detention by the police/an officer of the police, he would not like to pursue this petition further, but as regards tracing out the missing boys, he would take other legal remedies.

Consequently, without making any comment on what has been contended in the petition, it is dismissed, having been withdrawn.

It is of course to be noticed that since the allegation was that the petitioners' sons had been illegally detained by the police official, notice of motion had not been issued by this court so as to alert the State, and a Warrant Officer had been straightway been ordered to be appointed.

January 21, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No