

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1221-2021

Date of Decision: 08.03.2021

Bhupinder Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Ms. Aashima Narula, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner seeks issuance of a writ in the nature of habeas corpus, directing respondents no.1 to 4 to release the detenues whose names are detailed in para no.4 of the petition.

The SDM, Dasua, having been directed to be personally present in court on an earlier date (by way of video conferencing), on the last date of hearing, i.e. 01.03.2021, the following order had been passed:-

“Learned State counsel submits that in terms of the order dated 26.02.2021, an affidavit of the SDM, Dasua, has been supplied to him, but due to paucity of time it could not be filed.

Adjourned to the date already fixed, i.e. 08.03.2021.

The affidavit be filed in the Registry in the meanwhile.

It is of course to be noticed that counsel for the petitioner has also stated that she has not received a copy of the affidavit.

Upon a query to the SDM, Dasua, who is again present in court by way of video conferencing as directed, he has stated

that the order dated 08.02.2021 was actually conveyed in the office of the Deputy Commissioner of Police, Hoshiarpur, on 10.02.2021, by way of an application of the petitioner and a team was directed to visit the premises of respondent no.5, but due to the municipal council elections having taking place at that stage on 14.02.2021 (with counting having taken place on 17.02.2021), the directions of the Deputy Commissioner and of this court could not be complied with and as a matter of fact he himself (SDM) came to know of the said order personally only on 23.02.2021, when the State counsel rung him up to inform him of the order passed by this court on that date, reproducing therein the order of 08.02.2021.

He further submits that on 24.02.2021 the premises of respondent no.5 was raided and even as per the statement of the petitioner, payment was being made regularly to all the alleged detenues, who have since left the premises and the petitioner does not in fact want any further action.

To come up for hearing on 08.03.2021, with the presence of the SDM dispensed with on that date, subject to further orders to be passed by this court upon contentions being raised by counsel for the petitioner after receiving a copy of the affidavit of the SDM, and with learned State counsel to also take instructions as to when the order of this court dated 08.02.2021 was actually conveyed to the Deputy Commissioner/SDM.

To be shown in the urgent motion list.”

Today, learned State counsel submits that as regards conveyance of the order dated 08.02.2021 of this court, to the Deputy Commissioner, Hoshiarpur/SDM, Dasua, the order unfortunately got conveyed only on 15.02.2021 due to the fact that many officers of the office of the Advocate General, Punjab, are working from home in the pandemic,

through video conferencing. He further submits that, however, the Deputy Commissioner, Hoshiarpur, was already apprised of the matter vide a representation made by the petitioner to him on 10.02.2021.

Learned counsel for the petitioner again reiterates that the detenues already having been released, the petitioner does not wish to pursue this petition.

That being so, this petition is disposed of as having been rendered infructuous.

(AMOL RATTAN SINGH)
JUDGE

08.03.2021
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No