

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

CRWP-2197-2021.
Date of Decision:-03.09.2021.

Manjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing respondent No.2 to produce the detenues, who have been illegally detained by the officials of the Police Station, Badhni Kalan.

In this case, when the matter had come up for hearing on 09.03.2021, a detailed order was passed by a Coordinate Bench of this Court and a direction was given to the District and Sessions Judge, Moga to conduct an inquiry and submit a report with respect to the fact as to whether the detenues Shinda Singh and Paramjit Kaur have been illegally detained by the police officials of Police Station Badhni Kalan, District Moga. In

pursuance of the same, a detailed report was submitted by the District and Sessions Judge, Moga dated 02.06.2021 as per which it was stated that the District and Sessions Judge, Moga, had come to the conclusion that SI Karamjeet Singh, SHO, Police Station Badhni Kalan, ASI Jaswant Rai, Constable Pawan Kumar, Gunman and one lady police official is guilty of illegal detention of the above said detenues. Taking note of the said inquiry report, a Coordinate Bench of this Court, vide order dated 20.08.2021, had directed the SSP, Moga to register FIR against the above said persons and to constitute a Special Investigation Team (SIT) for investigation of the case. Further compliance report with respect to the same was also sought in pursuance of the order dated 20.08.2021.

Learned State counsel has submitted the affidavit of SSP Moga and in the said affidavit, it has been specifically submitted that FIR No.118 dated 23.08.2021 under Section 342 IPC has been registered at Police Station Badhni Kalan, against the above said three persons and one unknown lady police official. It has further been stated that SIT has also been constituted and the matter is now being investigated by the said SIT. It has also been stated in the petition that at this stage, prima facie case under Section 342 IPC is made out against the accused police personnel and disciplinary proceedings/departmental inquiry have already been initiated and they have been suspended.

Learned counsel for the petitioner is substantially satisfied with the said report but, however, has submitted that other offences including offence under Sections 219, 220 and 166 IPC are also made out in the

present case. In response to the same, the learned counsel for the State has submitted that the matter is still under investigation and in case any offence including the offences as pointed out by the learned counsel for the petitioner is found to have been made out then the SIT would take appropriate decision regarding the same.

Keeping in view the above said facts and circumstances, this Court is of the view that since the order dated 20.08.2021 has been complied with, thus, no further orders are required to be passed in the present petition. It would be open to the petitioner in case after the completion of investigation, the petitioner has any grievance left, to file an appropriate petition.

Disposed of in the above terms.

(VIKAS BAHL)
JUDGE

September 03, 2021.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.