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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.2264 of 2021 (O&M)

Date of decision: 01.04.2021

Randhir Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R.K. Gupta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of Habeas Corpus for release of detenues Harnek Singh, Maninder Singh, Sarvjot Kaur, Kashmir Kaur as mentioned in the head note of the petition, who have been illegally confined by respondent No.3.

On 04.03.2021, the following order was passed:-

“The petitioner has filed this petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of Habeas Corpus for the release of detenues namely Harnek Singh, Maninder Singh, Sarvjot Kaur, Kashmir Kaur, as mentioned in the head note of the petition, who have been illegally confined by respondent No.3.

Notice of motion for 01.04.2021.

After hearing learned counsel for the petitioner, Warrant Officer is ordered to be appointed by the Registry to search the aforesaid detenues at the place to be pointed out by the petitioner. In case the alleged detenues are found in illegal custody of the respondent No.3, the

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warrant officer shall ensure their release forthwith. The petitioner shall meet the requisite charges for fee and travelling expenses of Warrant Officer as fixed by the Registry to be paid by the petitioner.

Warrant Officer to submit his report on or before the date fixed.”

The Warrant Officer has submitted a report, which reads as under:-

“I received copy of the order on the same day at about 05:40 p.m. and immediately left Chandigarh for District Tarn Taran along with a relative of the petitioner namely Randhir Singh and we reached at Police Station Verowal, District Tarn Taran at 9 p.m. where Night Munshi Nirwair Singh and SHO Balwinder Singh were found present to whom I disclosed my identity and apprised them about the purpose of my visit. Then I alongwith relative of the petitioner checked lock up and adjoining rooms of the said Police Station where alleged detenue namely Harnek Singh was found sitting in a wireless room near the lock up. On my query to SHO regarding presence of the alleged detenue there he disclosed that alleged detenue has been rounded up in connection with FIR No.15 dated 24.02.2021 U/ss 307/506/34 IPC and section 25 and 27 of the Arms Act but failed to show any entry in the Roznamchal with regard to the arrest of the alleged detenue namely Harnek Singh. Moreover name of the alleged detenue also does not find mention in the said FIR. Hence alleged detenue namely Harnek Singh was released immediately and he left the police station in my presence. Other alleged detenues namely Maninder Singh, Sarbjot Kaur and Kashmir Kaur were not found present there either detained or otherwise by that point of time, hence undersigned also left the police station after recording

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entry in the Roznamcha as DDR No.28 dated 04.03.2021 at 09:40 p.m.

Since the alleged detainee namely Harnek Singh was found sitting in a wireless room of the Police Station without any entry in the Roznamcha hence his detention can be termed as illegal.

The report is accordingly, submitted for kind perusal please.”

Counsel for the petitioner has argued that the two ladies i.e. Sarvjot Kaur and Kashmir Kaur, were let out by the concerned police officials on the same day whereas the detainee namely Harnek Singh was confined in the Police Station without his involvement in the case as it is clear from the report of the Warrant Officer that there is no entry in the Roznamcha with regard to the arrest of the petitioner in FIR No.15 dated 24.02.2021 under Sections 307/506/34 IPC and 25/27 of the Arms Act as he is not involved in the same and rather he was illegally detained by the Police Officer just to put pressure to produce the other accused named in the FIR.

In view of the above, this petition is disposed of.

Liberty is granted to the petitioner to file a complaint, if so advised, regarding the illegal detention of the detainee(s), in accordance with law.

(ARVIND SINGH SANGWAN)
JUDGE

01.04.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No