

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

111

CRWP-2344 of 2021

Date of Decision: 12.03.2021

Rukhsana

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Chander Shekhar Singhal, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

On 08.03.2021, the following order had been passed:-

“By this petition, the petitioner seeks the issuance of a writ in the nature of habeas corpus, seeking the release of alleged detenues mentioned in paragraph 4 of the petition.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State.

A copy of the petition be handed over to him immediately.

The District Magistrate, Ludhiana, is directed to immediately depute a Sub Divisional Magistrate to visit the premises of respondent no.4 and determine as to whether any of the 24 persons whose names are given in paragraph 4 of the petition are actually being held by respondent no.4 and if so, naturally they would be got released immediately and appropriate taken against respondent no.4.

A report by way of an affidavit of the SDM concerned be put up to this court on the next date of hearing.

Adjourned to 12.03.2021.

To be shown in the urgent motion list.

It is made clear if the report is not submitted, the Deputy Commissioner-cum-District Magistrate, Ludhiana, shall be summoned to court.”

Pursuant thereto, an affidavit of the SDM, Sub Division Payal, District Ludhiana, dated 10.03.2021, has been filed by learned State counsel, in which it is stated that a committee was constituted by the SDM under his own supervision, which visited the premises of respondent no.4 at village Ramgarh Sardaran, with none of the persons whose names are given in paragraph 4 of the petition actually found to be there.

The joint statement of all persons actually present there were recorded and as per the enquiry made from them, all the aforesaid 24 persons had already gone home of their own accord.

Learned State counsel submits, on instructions from the Naib Tehsildar, Malaudh, that such kind of petitions are “becoming a trend”, simply to try and blackmail owners of brick kilns into parting with money, whereas actually, usually, nobody is detained against their will at such brick kilns.

Since learned counsel for the petitioner submits that the detenues have since been released, this petition has been rendered infructuous, and is disposed of as such, with no comment made either way by this court, on the contention raised by the Naib Tehsildar; because every situation is obviously not the same.

March 12, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No