

CRWP-2608-2021

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

CRWP-2608-2021

Date of decision: 06.04.2021

Arbaj

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Farukh Abdullah, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of habeas corpus directing the official respondents to get detenue-Mausam, brother of the petitioner, released from the alleged illegal and unlawful custody of respondents No.5 and 6.

This Court, on 16.03.2021, directed the Commissioner of Police, Faridabad, to depute a Gazetted Officer for making an inquiry as to whether Mausam had been illegally or forcibly detained by respondents No.5 and 6 and if such police officer found that he had been illegally or forcibly detained there, he would be released immediately.

In pursuance of the order dated 16.03.2021, copy of affidavit of the Commissioner of Police, Faridabad, has been filed in the Registry. The same is taken on record.

Learned counsel for the petitioner contends that on

11.03.2021, Mausam, brother of the petitioner, was illegally detained by

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the private respondents and the petitioner submitted a representation dated 13.03.2021 (Annexure P-1) for redressal of his grievance. However on the same day, the police in collusion with respondents No.5 and 6 had registered an FIR against Mausam. Learned counsel further contends that as per the affidavit filed by the Commissioner of Police, Faridabad, Mausam was arrested in the above-noted FIR on 16.03.2021. But, as a matter of fact, Mausam was illegally detained by the police on 11.03.2021.

On the other hand, learned State counsel opposes the prayer made in the present petition and submits that the allegations raised by the petitioner qua the demand of Rs.22 lakh and illegal detention, were not found to be true.

I have heard the learned counsel for the parties.

The affidavit dated 02.04.2021 filed by the Commissioner of Police, Faridabad, would show that on 16.03.2021, Mausam was arrested in connection with FIR No.78 dated 13.03.2021, under Section 407 IPC, registered at Police Station Sector 31, Faridabad, and he is presently in judicial custody at Neemka Jail, Faridabad.

The submission of learned counsel for the petitioner regarding alleged detention of Mausam, before the registration of the FIR, cannot be gone into, in the absence of any material or evidential justification on record.

In view of the above, no interference is called for.

Dismissed.

06.04.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No