

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

CRWP-5045-2021

Date of Decision:04.06.2021

Harmesh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr.Manpreet Ghuman, Advocate for the petitioner.

Mr.Bhupender Beniwal, AAG, Punjab.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

The present writ petition under Article 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of Habeas Corpus for releasing the alleged detenues, namely, Rana Singh, Karamjit Singh, Gautam Singh and Rinku Singh from the illegal custody of respondents No.3 to 6. The alleged detenues are stated to be family members of the petitioner.

Respondent No.2-Senior Superintendent of Police, Barnala is stated to be unwell and in his place Shri Brij Mohan, DSP, Barnala has made compliance of the last order dated 02.06.2021 and produced all four detenues, namely, Rana Singh, Karamjit Singh, Gautam Singh and Rinku Singh through video conferencing.

The alleged detenues, namely, Rinku Singh and Karamjit Singh have fairly conceded that they were never detained by the Police and they have come present through the video conferencing directly from their

homes. With regard to the other alleged detenues namely, Gautam Singh and Rana Singh, it is stated by Shri Brij Mohan, DSP, Barnala that a case under the NDPS has been registered against both of them on 29.05.2021 and they are on police remand.

It is the version of the petitioner that the detenues, namely Gautam Singh and Rana Singh were taken into illegal custody on 28.05.2021 and were formally arrested on 29.05.2021. In view of this, it would be advisable for the petitioner to seek the legal remedy available for the alleged illegal detention. However, the custody of the detenues, namely, Gautam Singh and Rana Singh w.e.f. 29.05.2021 cannot be said to be illegal in any manner. With regard to the extending of threats by the police as claimed by the petitioner, he would be at liberty to initiate appropriate action, if so advised, in accordance with law.

Disposed of, accordingly.

04.06.2021
mks

(SANT PARKASH)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether Reportable:	Yes / No