

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

CRWP-5443-2021

Date of Decision : June 14, 2021

Kashmira Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed with a prayer for issuance of a writ in the nature of habeas corpus for the release of the detenues, namely, Gurjinder Singh son of Kashmir Singh, resident of VPO Kotli, Tehsil & District Tarn Taran, Smt. Kashmir Kaur wife of Dilbagh Singh, resident of VPO Shingharpur, Tehsil & District Tarn Taran and Happy son of Bhag Singh, resident of VPO Shingharpur, Tehsil and District Tarn Taran, who are allegedly in illegal confinement of respondent No. 6 i.e. SHO of Police Station Sarhali, Tehsil & District Tarn Taran.

This Court issued notice of motion on 12.06.2021 and directed the Senior Superintendent of Police, Tarn Taran to examine the contents of petition and file his own affidavit.

The affidavit has been filed by the Senior Superintendent of Police, Tarn Taran, wherein, he has stated that keeping in view the information supplied to him by the SHO, as the son of the alleged detainee, namely, Smt. Kashmir Kaur was wanted in respect of FIR No. 71 dated

28.05.2021, registered at the said Police Station, Sarhali, Tehsil and District

Tarn Taran, the mother as well as the cousins of the accused Gurpreet Singh i.e. Detenues, namely, Kashmir Kaur, Gurjinder Singh and Happy were requested to help the police so as to arrest the said accused and it was only on the request of the police, the detenues had come to the Police Station on their own.

As per the affidavit, the story told by the SHO to the Senior Superintendent of Police, Tarn Taran is also being verified by the Deputy Superintendent of Police, who has been asked to enquire into the allegations and make a report within a period of seven days.

Learned counsel for the petitioner submits that the detenues are no longer in the custody of respondent No. 6 but they were illegally confined.

As the detenues are admittedly no longer in the custody of respondent No. 6, the present petition is disposed of with a direction to the Senior Superintendent of Police that in case any irregularity is found in the exercise of power by the police including respondent No. 6 in the enquiry, which is being conducted by the Deputy Superintendent of Police, appropriate action be taken in accordance with law.

It is made clear that in case, petitioners have any other grievances, they are free to avail appropriate remedy available to them under the law for the redressal of the same.

The present petition is disposed of in above terms.

June 14, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No