

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120+258)

CRWP-8020-2021 (O&M)
Date of decision: - 28.10.2021

Kasam

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Gurmeet Singh, AAG, Haryana
for respondents No.1 to 3.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM-W-1264-2021

For the reasons given in the application, it is allowed.

Copy of FIR No.95 dated 29.06.2021 registered for offence under Sections 363, 366-A, 376-D and 120-B of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, is taken on record as Annexure A-1, in compliance of order dated 21.09.2021 passed by this Court.

CRWP-8020-2021

Instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus and for appointment of a Warrant Officer for release of Yusuf son of Juhara and Khalid son of Hakku from the illegal custody of respondents No.4 to 15.

In response to the notice issued by this Court, a status report has been filed by way of an affidavit of Deputy Superintendent of Police, Punhana, wherein it has been submitted that both the detenue have been arrested in FIR No.123 dated 21.08.2021 registered for offence under Sections 5/13(2) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Sections 186, 353 and 34 of the Indian Penal Code, 1860 at Police Station Bicchor, District Nuh. Allegation regarding the harassment of the petitioner has been specifically denied by the answering respondents in para 11 of the status report and it has been stated that the alleged detainees are not accused in FIR, Annexure A-1, nor have they been found to be involved in any other case.

In view of the above, it cannot be said that the detainees are in illegal confinement.

Accordingly, petition is dismissed.

(SUVIR SEHGAL)
JUDGE

28.10.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No