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IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRWP-9058 of 2021

Date of decision : September 20, 2021

Rekha Devi

..... **Petitioner**

Versus

State of Punjab and others

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Dhiraj Parihar, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, DAG., Punjab.

Amol Rattan Singh, J (oral).

Case heard by video conference.

Pursuant to the order of this Court dated 18.9.2021, the report of the Warrant Officer, dated today itself (20.9.2021), has been received in a sealed cover and has been opened. The same is taken on record.

As per the said report the alleged detainee (Upinder Vishwakarma) was found standing on the road, 10-15 meters from Police Post Mubarkpur, when the Warrant Officer, as also the counsel for the petitioner, one Mr. Brar, Advocate, and the petitioner, Rekha Devi along with two other persons known to her, entered the police post, which had its door open (with no sentry on duty).

Upon Head Constable Binder Singh having informed the Warrant Officer that he had just come on night duty and that all queries be put to the *Munshi*, the said *Munshi*, i.e Head Constable Darshan Kumar, was

found sitting there with a Sarpanch and upon disclosure of the identity of the Warrant Officer, he was asked as to whether Upinder Vishawakarma had been arrested by the police or not, to which he stated that he had not.

As per the Warrant Officer, the duty officer, i.e ASI Rajinder Singh, also asked many questions from the aforesaid Upinder Vishawakarma, who stated that he was working as a cleaner-cum-labourer on a 'tipper' and that he was employed by one Bharat Bhatia, who is the owner of a crusher.

The ASI is then stated to have called the aforesaid Bharat Bhatia, with the statements of both, Upinder Vishawakarma and Bharat Bhatia, recorded in the police post, (which have been annexed along with the report of the Warrant Officer).

The report next states that since there was a tattoo on the arm of the aforesaid Upinder Vishawakarma disclosing the name "Pankaj", he asked him about the same, to which he is stated to have replied that his 'nick name' was Pankaj. It has next been stated by the warrant officer that as per the statements of Upinder Vishawakarma and Bharat Bhatia, there was no illegal detention by the police.

However, DDR No. 18 dated 18.09.2021 was recorded by the *Munshi*, who also stated before the Warrant Officer that Upinder Vishawakarma is neither required in any case nor had he been called to the police station.

Learned counsel for the petitioner submits that in view of the above, he does not press this petition but wishes to bring to the notice of this court that the petitioner's husband (Upinder Vishawakarma) is also missing since 14.9.2021.

This petition is consequently disposed of as not pressed but with a direction that in case any such report is to be lodged by the petitioner, naturally the police would do its duty (with no comments made as to the circumstances in which the petitioner's husband has gone missing, if at all so).

(AMOL RATTAN SINGH)
JUDGE

September 20, 2021
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No