

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

CRWP-9952-2021

Date of decision-28.10.2021

Jagindro

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Articles 226 Constitution of India for issuance of writ in the nature of habeas corpus for release of detainee, namely, Ajay Pal from the illegal custody of respondent Nos.2 and 3. Prayer has also been made to appoint a Warrant Officer to visit the spot.

On 14.10.2021, the following order was passed:-

“Petitioner-Jagindro has filed the present petition seeking issuance of writ in the nature of habeas corpus for release of detainee, namely, Ajay Pal from the illegal custody of respondent Nos.2 and 3, Prayer has also been made to appoint a Warrant Officer to visit the spot.

Learned counsel for the petitioner contends that detainee Ajay Pal (son of the petitioner) was granted pre arrest bail by this Court vide order dated 01.10.2021 passed in CRM-M-33259-2021. Pursuant to the said order, when detainee went to the police station Garhshankar to join the investigation today i.e 14.10.2021, he has been illegally detained in the police station.

Heard.

Notice of motion.

Keeping in view the averments in the petition,

which is supported by affidavit of Jagindro-petitioner, this Court finds it just and appropriate to appoint a Warrant Officer. The Registry is accordingly directed to appoint a Warrant Officer, who shall visit the place(s) as pointed out by the petitioner in order to locate the said detenue. If the Warrant Officer finds that the alleged detenue is in wrongful confinement of respondent Nos.2 and 3, he shall get him released forthwith. The fee of the Warrant Officer shall be fixed by the Registry to be borne by the petitioner. The Warrant Officer shall submit his report on or before the next date of hearing.

List on 28.10.2021.”

In deference to the above order, warrant officer has submitted its report dated 25.10.2021 and a perusal of the same reveals that petitioner's son was implicated vide general diary No.42 dated 08.10.2021 in case FIR No.132 dated 27.08.2021 registered under Section 15 (C), 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985. He was arrested on 13.10.2021 and was produced before the concerned Court, whereupon he was remanded to the police custody.

In view of the above, it is apparent that the detention of the petitioner's son in police custody is not illegal.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

28.10.2021

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