

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

228

CRWP-10076-2021

Decided on : 27.10.2021

Rajesh Kumar

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Vijay Pratap Singh, Advocate
for the petitioner.

Mr. G. S. Dhillon, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing the respondents to release the alleged detainee named in the headnote and para 3 of the petition.

Learned counsel for the petitioner has submitted that in the present case, the detainee, who is the sister of the petitioner had been kept in illegal custody from 12.10.2021 till 26.10.2021 without there being any case registered against her. It is further submitted that it is only after the son of the said detainee, who was involved in a case bearing FIR No. 356 dated 10.10.2021, has been arrested, that the said detainee has been released.

Learned State counsel has submitted that the said detainee was never taken in an illegal custody and in fact the son of the detainee was involved in the abovesaid case and the Officers were only investigating the matter.

This Court has heard the learned counsel for the parties.

In view of the fact that the detainee has been released, the present petition becomes infructuous. The question whether the said detainee was kept in illegal custody from 12.10.2021 to 26.10.2021 is a disputed question of fact and the same cannot be adjudicated in view of the contrary stand taken by learned counsel for the petitioner and learned State counsel in the said regard in the present petition under Section 482 Cr.P.C.

It would be open to the petitioner to file a civil suit or any other proceedings in accordance with law for making any claim of damages or any other relief available to the petitioner and in the said case, it would be open to the petitioner as well as the respondent and the State to raise all pleas as available to them in law.

With the said observations, the present petition stands disposed of.

(VIKAS BAHL)
JUDGE

27th October, 2021
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No