

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

226

CRWP-10710-2020

Decided on : 11.11.2021

Sukhchain Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: None for the petitioner.

Mr. A. K. Kaundal, DAG, Punjab.

Mr. Gurmeet Singh Saini, Advocate
for respondent No. 3.

VIKAS BAHL, J. (Oral)

The present Criminal Writ petition has been filed under Articles 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to release the alleged detainee Gurdev Singh, brother of the petitioner.

A Coordinate Bench of this Court vide order dated 20.12.2020 was pleased to issue notice of motion in this case and had also appointed a Warrant Officer and had asked him to submit a report.

The Warrant Officer has submitted a report and as per the said report, detainee Gurdev Singh has been released from the custody of the police and has been handed over to the petitioner and the relatives who were present at the time of the visit and they left the police station along with the petitioner and other relatives.

In the said report, it has also been noticed that it was put to the Officer concerned as to why the said person had been detained and the said Officer had stated that he has been nominated as an accused in FIR No.240 dated 01.12.2020 under Section 457, 380 IPC but he did not have the complete record as the Investigating Officer was not present.

Learned State counsel has referred to a detailed reply which has been filed by the State, as per which it has been submitted that in fact, the said Gurdev Singh and the petitioner have already been convicted in a murder case No.73 dated 20.04.2014 under Section 302, 148 and 149 IPC, Police Station Sadar Jalalabad and were on parole and are also involved in large number of cases. It is further stated that in FIR No.240 dated 01.12.2020, during investigation the name of the detainee Gurdev Singh along with other persons was nominated on the basis of the supplementary statement of the complainant Kewal Krishan Sethi vide rapat no.39 dated 18.12.2020. It is stated that on 19.12.2020, the police of Police Station City Fazilka raided the house of the detainee Gurdev Singh and the co-accused Sunil Singh and during the raid, said persons were not found in their house. On 20.12.2020, the respectable persons of the village had produced the alleged detainee Gurdev Singh before the police in the late evening and at that time, respondent No.3 – SHO of the Police Station was present but the Investigating Officer of the case ASI Gurnam Singh was not present. The Investigating Officer was called for making arrest of the said detainee Gurdev Singh. It is thus

submitted that the petitioner was present at the police station in connection with the investigation of the case and when respondent No.3 went for dinner, in the meantime, the Warrant Officer was appointed by this Court. The Warrant Officer came and then the detainee was taken. It is further averred that the detainee is involved in the abovesaid FIR and the arrest of the detainee was to be made and even the affidavit of the Ex-Sarpanch Om Parkash and Ex-Member Panchayat Gurdeep Singh have been annexed to support the said averments.

Keeping in view the abovesaid facts and circumstances and without going into the minute details of the case, since even as per the report submitted by the Warrant Officer, the detainee has been released, the present petition is disposed of as having been infructuous.

(VIKAS BAHL)
JUDGE

11th November, 2021

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No