

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

CRWP No.11740 of 2021

Date of Decision:14.12.2021.

Smt. Manju

...Petitioner

Versus

State of UT Chandigarh & Others

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Rohit Khullar, Advocate,
for the petitioner.

Mr. S.S.Toor, Additional PP,
UT, Chandigarh.

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MEENAKSHI I. MEHTA, J.

By way of the instant petition, the petitioner seeks the indulgence of this Court for the issuance of a writ in the nature of habeas corpus directing the respondents to produce the detainee named Mirtunjay, her son, who has been detained by them (respondents), in connection with the FIR bearing No.164 dated 21.08.2020 registered at Police Station Sector 36, Chandigarh under Sections 379-A, 411 read with Section 34 IPC and she has further prayed to direct learned Additional Sessions Judge, Chandigarh, to consider and decide the application moved by her for seeking the discharge of her son in the above-said case, within some short stipulated period and has also prayed for his (her son's) protection from the torture and inhuman treatment, mental as well as physical and to grant the compensation

to the tune of Rs.10 lacs to him for his illegal and wrongful confinement and to order the probe/inquiry in the matter either by the CBI or some other independent agency.

2. As per the brief factual-matrix as canvassed by the petitioner in this petition, her son, i.e the above-alleged detainee, was behind the bars since 28.07.2020 in connection with the criminal case registered vide FIR No.102 dated 26.04.2020 at the same Police Station under Sections 147, 148, 188, 323, 324, 326 and 506 IPC and was released on bail on 03.09.2020 but he has been arrested in the criminal case pertaining to the subject FIR registered on 21.08.2020 while he was in jail and these facts show that her son has been illegally detained/kept in custody and it being so, he deserves to be discharged in the said criminal case registered vide FIR No.164 and also to be paid the compensation on the said count.

Mr. S.S.Toor, learned Additional Public Prosecutor, UT, Chandigarh, has joined the proceedings in this case in pursuance of the copies of the instant petition having been sent to the respondent-UT in advance. He has forwarded the copy of the order passed by this Court in CRM-M No.40461 of 2021 on 13.12.2021 granting the relief of bail to the above-named son of the petitioner and also the list of the dates and events, i.e the details of the proceedings carried out against the son of the petitioner in connection with the cases arising out of both the afore-mentioned FIRs, through the “*WhatsApp Group for Video-Conferencing*” and these documents are taken on the record.

I have heard learned counsel for the petitioner as well as learned

Additional Public Prosecutor for the respondent-UT in the present petition, at the preliminary stage and have also perused the file thoroughly.

As regards the prayer of the petitioner qua the issuance of a writ in the nature of habeas corpus, the same stands rendered infructuous in view of the said order dated 13.12.2021 passed by this Court granting the relief of bail to her son in the criminal case arising out of the said FIR bearing No.164.

Though, the son of the petitioner is stated to be in the prison on the day of the registration of FIR No.164 but a perusal of the aforementioned order dated 13.12.2021 reveals that it has categorically been mentioned therein that learned counsel for the respondent-UT had submitted that only the offence under Section 411 IPC was made out against the petitioner therein, i.e the son of the present petitioner, in the above-said case. A perusal of the said list of the dates and events, as forwarded by learned counsel for the respondent-UT, reveals that the mobile phone, as allegedly snatched from the complainant in FIR No.164, had been recovered from the above-named son of the petitioner on 28.03.2021. In these circumstances, it cannot be observed that the son of the petitioner had been illegally detained/ kept confined by the police. Further, it is subject matter for consideration before the trial Court to frame the charges against the son of the petitioner or to discharge him in the said case and the issuance of any direction by this Court in this regard is not warranted at all. It being so, the son of the petitioner cannot be held entitled for any compensation as claimed in the instant petition. In such circumstances, this Court is of the considered

opinion that there are no cogent reasons to order the probe/inquiry in the matter by CBI or any other agency.

As a sequel to the fore-going discussion, it follows that the petition in hand, being *sans* any merit, deserves dismissal. Resultantly, the same stands dismissed accordingly.

14.12.2021
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether Reportable?	No