

124 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-2 of 2022  
Date of Decision: 03.01.2022

Sakib ...Petitioner  
Versus  
The State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. C.S. Singhal, Advocate  
for the petitioner.  
  
Ms. Monika Jalota, DAG, Punjab.

(Through Video Conferencing)  
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ANOOP CHITKARA, J.(ORAL)

Seeking release of detenu, the petitioner has come up before  
this Court under Article 226 of the Constitution of India.

Notices served upon the official respondents through the  
State's counsel. Given the nature of the order, this Court proposes to pass,  
neither the response of official respondents is required nor exists any  
requirement to issue notices to the private respondents.

It is relevant to extract the relevant portion of the petition  
which contains the details of the alleged detenues as below :-

|    |                                                                                                            |
|----|------------------------------------------------------------------------------------------------------------|
| 1. | Ikrar son of Nawab age 48 years                                                                            |
| 2. | Munni wife of Ikrar age 45 years                                                                           |
| 3. | Suhail son of Ikrar age 17 years                                                                           |
| 4. | Rihana daughter of Ikrar age 15 years                                                                      |
| 5. | Suheb son of Ikrar age 13 years                                                                            |
| 6. | Vahid son of Ikrar age 9 years                                                                             |
| 7. | Isakat son of Inaam age 30 years                                                                           |
| 8. | One motorcycle Splendor + Star colour white + one Fridge, one<br>Batra, Gas Cylinder and house hold goods. |

The above-mentioned allegations, prima facie points towards some restrain. Given above, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Sub Divisional Magistrate, either on its own or through warrant officer or any other officer authorized by DM/SDM, must visit the place of detention and, if the persons are found to be in illegal custody, ensure immediate release, subject to verification, that there are no *mala fide* intentions and the custody is *bona fide*, apart from other aspects. If such an officer needs police assistance, then the SHO of the concerned police station(s) shall provide it.

This petition is disposed of with the aforesaid directions which be complied with on priority. It is clarified that there is no adjudication on merits. It is also clarified that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the detenu is required in any cognizable case. It shall also be open for the petitioner to approach this Court again for any surviving grievance.

Petition is disposed of to the extent mentioned above. All pending applications, if any, stands disposed of.

**(ANOOP CHITKARA)**  
**JUDGE**

**January 03, 2022**  
Manpreet

|                           |   |     |
|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether reportable        | : | No  |