

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

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**CRWP-1012-2021(O&M)
Date of decision: 15.02.2022**

TIRATH SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Shubham Goyal, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition has been filed for issuance of writ in the nature of *Habeas Corpus* seeking release of Jaspreet Singh @ Jassa aged 23 years (son of the petitioner).

It is contended that the detainee was illegally taken by the Police on 30.01.2021 at the instance of MLA Harjot Kamal of Moga in order to pressurize the mother of the detainee to resign from the post of *Sarpanch*. The said MLA has however not been arrayed as a respondent.

Notice of motion was issued on 09.02.2021, pursuant thereto, reply by way of an affidavit of Shubeg Singh, PPS, Deputy Superintendent of Police, Dharamkot, District Moga has been filed. The relevant extract of the preliminary submission is reproduced as under:-

'That petitioner has no cause of action to invoke extraordinary jurisdiction of this Hon'ble Court. Petitioner had filed the instant petition only with mala fide intention to pressurize the

answering respondents and to create evidence in favour of alleged detainee Jaspreet Singh @ Jassa resident of village Baghelewala. Actual facts are that case bearing FIR No.100 Dated 04.09.2020 u/s 307/336/325/148/149 IPC and 25/27 Arms Act Police Station Kot Ise Khan was initially registered against unknown accused on the basis of statement of Kulwinder Singh Mann son of Harpartap Singh. Brief facts of this case are that complainant got recorded his statement with the police on 03.09.2020 at about 8:20 PM he was present at his house then his friend Prince Sharma son of Parshotam Sharma resident of Kot Ise Khan parked his car in front of the house of complainant then in the meantime one Scorpio car and one Swift car came there and about 8/10 persons alighted from both the vehicles started causing injuries with their iron rods and when complainant raised alarm then said accused ran away from the spot by firing shots in the air with their weapons. Investigation of said case was conducted by Special Investigating team consisting of SP(H), DSP (H), Moga and Incharge CIA Staff, Moga. During investigation it was found that regarding said occurrence one post Was uploaded on facebook from facebook ID Landa Harike and same was lastly updated on 05.09.2020 from mobile no.8360432634 and same was of Daljit Singh s / o Dayla Singh r/o village Bulle District Faridkot and as per report of Computer branch Moga it was found that said mobile number is on the name of Jaspreet Singh Khaira son of Tirath Singh r/o Baghelewala, District Moga. Due to which said Jaspreet Singh and Daljit Singh were nominated as accused vide DDR No.15 Dated 17.01.2021. After that police started conducting raids to arrest said accused persons and this fact is very much in knowledge of petitioner who is father of said Jaspreet Singh. Now petitioner in connivance with said Jaspreet Singh had filed the instant petition before this Hon'ble Court with intention to pressurize the police, whereas police is still trying to arrest said Jaspreet Singh.'

Apparently, the petitioner has made an attempt to abuse the process of law by filing a petition in anticipation against the proposed action of the Police.

Confronted with the same, the petitioner seeks to withdraw the present petition.

Dismissed as withdrawn.

(VINOD S. BHARDWAJ)
JUDGE

February 15, 2022
S.Sharma(syr)

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