

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRWP-1026-2022
Decided on :27.04.2022

Ravinder

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ravinder Chaudhary, Advocate for
Mr. Shalender Mohan, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India for issuance of writ, order or direction especially in the nature of habeas corpus for releasing the alleged detainee as named in the head note of the petition, who is stated to have forcibly taken away of the private persons and has been kept in illegal custody.

Learned State counsel has referred to status report filed by way of affidavit of Raj Singh, HPS, DSP and has stated that in fact as per paragraph 4 of the said status report, on 20.01.2022, at 07:01 PM, information was received on the official number of Police Post Shekhpura from mobile number 8078612081 through Hukama Head Constable, CIA staff District Churu (Rajasthan) that the petitioner had been taken by the

Rajasthan police in view of the investigation in FIR No. 328 of 2021 under Section 379 IPC. It is further submitted that in fact the petitioner is in custody and was even produced before the Duty Magistrate, District Rajgarh and was sent in police remand till 26.01.2022. Paragraphs 4, 5 and 6 of the status report is reproduced hereinbelow:-

“4. That it is pertinent to mention here that on 20.1.2022 at about 7:01 PM an information was received on the official number of Police Post Shekhpura from mobile number 80786-12081 through Hukama Head constable CIA staff District Churu (Rajasthan) that in view of the investigation of case FIR No. 328 of 2021 under section 379 IPC registered at P.S. Taranagar, Distt. Churu (Rajasthan) they have taken away wanted accused Bijender @ Fauji son of Manphool resident of village Gangan Kheri and with regard to this an information was given to the family member of detenue Bijender i.e. Sube Singh and the information with regard to this was also given by the CIA staff Distt. Churu to the control room, Hansi. In pursuance of the information received from HC Hukma CIA staff Distt. Churu entry was made in the General diary bearing No. 37 of 20.1.2022 at P.S. Sadar, Hansi. True translated copy of FIR No. 328 of 2021 under section 379 IPC registered at P.S. Taranagar, Distt. Churu (Rajasthan) is attached herewith as Annexure R-1. True translated copy of General Diary No. 37 of 20.1.2022 P.S. Sadar, Hansi is attached herewith as Annexure R-2. It is pertinent to mention here that the information given by Rajasthan police was also recorded vide general diary No. 16 dated 20.1.2022, true translated copy of general diary No. 16 dated 20.1.2022 is attached herewith as Annexure R-3 and the application given by Rohit son of Bijender

resident of Kheri Gangan regarding Bijender (detenue) at Police Post Shekhpura was also recorded in general diary bearing No. 17 dated 20.1.2022, true translated copy of general diary No. 17 dated 20.1.2022 is attached herewith as Annexure R-4.

5. That the police of P.S. Shawa, Distt. Churu (Rajasthan) made formal arrest of detenue on 21.1.2022 and on the same day he was produced before the Illaqa/Duty Magistrate, Rajgarh, Distt. Churu from where his police remand till 26.1.2022 was obtained. Thereafter, during the course of investigation as per order of Superintendent of Police, Churu, further investigation of the case was conducted by SI Suresh Kumar, P.S. Sahwa and after the completion of police remand period, detenue was again produced before the Ld. Magistrate from where he was sent to judicial custody. It is pertinent to mention here that ASI Goru Ram P.S. Rajgarh also investigated detenue and it was found that the detenue is also involved in the offences for which case FIR No. 436 of 2021 under section 379 IPC was registered at P.S. Rajgarh and case FIR No. 443 of 2021 under section 379 IPC was registered at P.S. Rajgarh. Further, the arrest of detenue is not illegal and the same is in accordance with law.

<i>FIR No.</i>	<i>Date</i>	<i>Section</i>	<i>P.S.</i>
<i>FIR No. 436</i>	<i>2021</i>	<i>379 IPC</i>	<i>P.S. Rajgarh</i>
<i>FIR No. 443</i>	<i>2021</i>	<i>379 IPC</i>	<i>P.S. Rajgarh</i>
<i>FIR No. 328</i>	<i>2021</i>	<i>379 IPC</i>	<i>P.S. Taranagar</i>

6. That the accused detenue is not in illegal custody rather he is in judicial custody in accordance with law.”

A perusal of the report would show that it has also been stated therein that in pursuance of the application made by Rohit, son of the detainee, dated 20.01.2022, a General Diary No. 17 dated 20.01.2022 was made in the register duly maintained by the Police Post, Shekhpura.

Learned counsel for the petitioner has stated that in view of the abovesaid reply, the present petition has been rendered infructuous.

In view of the statement made by learned counsel for the petitioner, present petition is disposed of as having been rendered infructuous.

However, it would be open to the petitioner to seek his legal remedies in accordance with law.

(VIKAS BAHL)
JUDGE

April 27th 2022
Mehak

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