

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

**CRWP-2052-2022 (O&M)
Date of decision : 09.03.2022**

Banty

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jagmohan Singh Bhatti, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has preferred this petition under Article 226 Constitution of India for issuance of writ in the nature of habeas corpus by way of directions to respondent Nos.1 to 3 for release of detenue, namely, Ravi Sharma from the illegal custody of respondent No.5. It has been further prayed that life and liberty of the petitioner and his family members be protected.

Learned counsel has invited the attention of the Court to the order dated 16.12.2021 passed in CRM-M-52452-2021 to contend that though the petitioner and his brother, namely, Ravi Sharma (detenu) are accused in case FIR No.211 dated 11.11.2021 under Sections 307 and 427 IPC and Section 25 Arms Act, 1959, but they were released on anticipatory bail and the said petition is now fixed for 16.05.2022 and the interim order is operative. He submits that the respondent No.5 in blatant violation of the protection granted by this Court has illegally

picked up the detenu from Ambala Toll Barrier in an illegal manner, who is presently in illegal detention of respondent No.5 and prays for appointment of warrant officer for his release.

When learned counsel was asked to explain as to how the fact of illegal arrest of the detenu came to petitioner's notice, it is stated by him that the detenu was accompanied by his friend, namely, Suraj, when respondent No.5 illegally arrested the brother of the petitioner. According to him, Suraj had informed the petitioner about this incident, whereupon the petitioner has filed this writ petition. Learned counsel for the petitioner was asked to point out the relevant averments in this regard and in response, he states that the petition was drafted by him hurriedly and this fact is not pleaded in the petition. Mr. Bhatti, learned counsel submits that in a petition, seeking writ in the nature of habeas corpus, the petitioner is only required to plead the illegal detention and it is for respondents to show that the detenu is not in their illegal detention.

After hearing learned counsel for the petitioner and considering the above arguments, this Court finds that the averments in the writ petition have only condemned the action of the police relating to the FIR, wherein the petitioner along with his brother are accused. There is no whisper in the petition that how the petitioner came to know about this fact that his brother has been illegally detained by respondent No.5 on 06.03.2022 and concededly there is no averment

showing that the alleged victim was accompanied by his friend-Suraj. It seems that the petition has been filed only to pressurize the police, who are taking steps to prosecute the petitioner and his brother.

Resultantly, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

09.03.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No