

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(251)

CRWP-2490-2021

Date of decision: - 19.04.2022

Ribika

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present: - None for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This Criminal Writ Petition under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus for release of detenue, as mentioned in the head note of the present petition, who was in illegal custody of respondents No.4 to 7.

Learned State counsel has stated that a detailed status report by way of affidavit has been filed in the present case and a specific reference has been made to paragraph No.7 of the said reply, in which, it has been averred that the present petitioner and her husband (who is the alleged detenue) are residing in House No.305 at Heaven City, Amritsar and it had been stated by their neighbours during investigation that the petitioner and her husband would come at this house on and off, in their

Fortuner car. The para 7 of the said reply is reproduced herein below:-

"7. That it is further submitted that during the course of investigation, the Investigating Officer visited the given address of the petitioner at Heaven City, Phase-1, G.T. road, Daburji, Amritsar in order to approach the petitioner, but the petitioner could not be approached and her house was found locked. Therefore, statements of Prabhjot Singh, neighbor of the petitioner, Kirpal Singh and Jatinder Singh Security Guards of Heaven City have been recorded. They have stated that the present petitioner Emunel Masih @ Sanju live in House No. 305 of Heaven City and they come at this house on and off on the Fortuner vehicle. They stay her for about one hour and go back. They have kept their residence somewhere at Batala. The Security Guard Kirpal Singh has also stated that he make entry of the persons entering into the colony, in his Entry Register and one such entry with regard to entry of Sanju, husband of the petitioner stand registered on 09/07/2021 at 10 PM along with vehicle Innova (NOVA) bearing no. PB-6-AV-8628. The statements of Jatinder Singh and Kirpal Singh Security Guard and relevant extract of Entry Register are annexed herewith as Annexure R-6/T to R-8/T and R-9) for the kind perusal of this Hon'ble Court."

It is further submitted that in the present case, an FIR No.150 dated 20.12.2018, under Sections 420 and 120-B IPC, at Police Station Dera Baba Nanak, District Batala has been registered against father of the petitioner and Harjinder Singh (respondent No.7) and it is only to save alleged detainee from being harassed in the said FIR, the present false story has been concocted by the petitioner so as to file the present petition.

Today, no one has appeared on behalf of the petitioner to rebut the submissions made by learned State counsel as well as the averments made in the above-said reply. None had appeared on behalf of

the petitioner on the last date of hearing either, i.e., 15.03.2022.

Keeping in view the above-said facts, more so, the averments in the above-said status report, which have been reproduced herein above, the present petition is dismissed.

Liberty is however, granted to the petitioner to file a fresh petition, in case any cause of action survives, in accordance with law.

April 19, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No