

131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.2593 of 2022
Date of Decision: 22.03.2022

Hamidul Miya

...Petitioner

Versus

State of Haryana & others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vijay Kumar, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

Seeking release of the alleged detainees, 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 that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

The details of the alleged detainees are given in paragraph nos.3 to 5 of the petition.

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

This petition is closed with the directions mentioned above, which are to be complied with on a priority. It is clarified that there is no adjudication on merits and 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 alleged detenues is required in any cognizable case. It shall also be open for the petitioner to approach this Court again for any surviving or consequent grievances.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other particulars as may be required from the official web page of this Court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 22, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.