

CRWP-2779-2022(O&M)

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

Sr. No.248

**CRWP-2779-2022(O&M)
Date of decision: 05.05.2022**

LIYAKAT

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondent

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

Present: Mr. Khalid Tauru, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Vineet Chaudhary, Advocate
for respondents No.4 to 7.

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VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of a roving writ in the nature of habeas corpus for releasing detainee namely Waseem Akram aged about 16 years (minor son of petitioner) from the illegal custody of private respondents No.4 to 7.

Learned counsel for the petitioner very fairly submits that the alleged detainee namely Waseem Akram has since then been released on bail by the competent Court. He however, contends that he was illegally arrested and was wrongly detained before his arrest was shown to have been conducted in the aforesaid FIR. It is, however, not disputed by him that in

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the event of any abuse of sovereign power, the petitioner shall have a remedy to take recourse to claiming compensation in appropriate proceedings. The scope of the proceedings being limited and disputed questions of fact being raised.

The counsel appearing for respondent Nos.4 to 7 has submitted that petitioner has concealed the vital facts that his brother suffers from criminal antecedents and was actually arrested when in Rajasthan.

This Court was required to ascertain and secure safety of the alleged detainee and once the said aspect is secured, the remaining disputed questions are not to be examined by the High Court and parties are at liberty to raise appropriate challenge and defence before the competent Court/authority.

No further orders are required to be passed in the present petition.

The instant petition is accordingly dismissed as not pressed, at this stage, with liberty to the parties to take recourse to their remedy/ies, if any, in accordance with law.

05.05.2022
Amandeep

(Vinod S. Bhardwaj)
Judge

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