

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

265

CRWP-297-2019

Date of Decision : **July 12, 2022**

SHASHI JAIN

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : None for the petitioner.

Ms. Shivani Sharma, AAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Habeas Corpus to locate the detinue Harish Jain son of late Sh. Bhupinder Kumar Jain, resident of Jain Mohalla, Samana, District Patiala and to get him released from the illegal custody of respondent No.3 or from any other place as disclosed by the petitioner.

Since on the last date of hearing, nobody had caused appearance on behalf of the petitioner, this Court had directed the Registry to inform the learned counsel for the petitioner with regard to the next date of hearing.

It has been reported by the Registry that Mr. H.S.Oberoi, Advocate was informed about the next date of hearing.

However, still nobody has caused appearance on behalf of the petitioner. Therefore, this Court would proceed with the case on the

basis of the record available and also with the assistance of the learned State counsel.

On 25.3.2019, this Court had appointed the Warrant Officer on the basis of the averments made by the petitioner. Thereafter, a report has been received from the Warrant Officer in which it has been stated that as per the desire of the petitioner they left for Sunam instead of Karnal but thereafter the petitioner stated that at present the detainee has been detained at Kaithal and requested for conducting raid at Kaithal and consequently the Warrant Officer alongwith the petitioner and her two relatives reached the Police Station Kaithal where MHC Dalbir Singh was found present to whom he disclosed his identity. On reaching near Milan Palace, Kaithal, the alleged detainee, namely, Harish Jain alongwith foreman of his Sheller, namely, Pala Ram and Madan Lal alongwith Kuldip Singh were found standing at shop of a car mechanic and were getting their car repaired having registration No.MH-31-BB7671 and the detainee was also identified by the relatives of the petitioner. A specific query being asked from the detainee, he stated that he alongwith Pala Ram foreman of his Sheller were called by aforesaid Madan Lal at village Neesing, District Karnal with regard to a business purpose and when they reached at the said village then the police official of CIA staff took them to Police Station CIA Staff, Karnal and confined them there since yesterday at the behest of respondent No.3, who also gave beatings and was forced to sign some documents. It has been further stated in the report that the detainee and the police party came back to the Police Station and after relieving the police party, the Warrant Officer left for

Chandigarh and the detenue alongwith his relatives left for their house.

The learned State counsel has also filed reply in which it has been categorically denied by the State that the alleged detenue has been detained by any police officials.

Since the present petition is only seeking a writ in the nature of Habeas Corpus and as per the report of the Warrant Officer, the alleged detenue was not in the custody of anybody but was standing in the shop and later on he has left for his home, nothing survives in the present petition. Consequently, the present petition is, hereby, dismissed.

July 12, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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