

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

SR. No.270

CRWP-7671-2021

Date of Decision:25.07.2022

Kulwant Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr.Puneet Kumar Bansal, Advocate for
Mr. G.L. Bajaj, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

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 for release of detenue-Amritpal Singh, allegedly from the illegal custody of respondent No.3-SHO, Police Station, Nihal Singh Wala, District Moga.

Vide order dated 12.08.2021, this Court appointed a Warrant Officer, who visited the concerned Police Station and reported that the alleged detenue, namely Amritpal Singh was not found but after some time he came present in the Police Station from the outside and stated that he was picked up by the police party and kept in the Police Station. Therefore, this Court directed the Senior Superintendent of Police, Moga, to preserve the CCTV footage of the Police Station, Nihal Singh Wala, District Moga, District Moga from 07.08.2021 till 14.08.2021 immediately and further directed the Senior Superintendent of Police, Moga, to file an affidavit in the present case after conducting a fact finding enquiry.

The reply/affidavit has been filed by the Senior Superintendent of Police, Moga, in which it has been stated that CCTV footage was scrutinized and seen by him and a detailed fact finding enquiry has been conducted. It was found that the petitioner went to the police station only for about 01 hour i.e. from 09.40 PM to 10.47 PM. It has further been stated that there was a land dispute between the parties.

I have heard the learned counsel for the parties.

The present is a petition seeking a writ in the nature of habeas corpus. The alleged detainee was not found in the Police Station by the Warrant Officer and he was not illegally detained. In the affidavit filed by the Senior Superintendent of Police, Moga, it has been stated that the petitioner was never detained in the Police Station and the allegations levelled by the petitioner as well as the detainee were baseless.

In view of the aforesaid position, nothing survives in the present petition. Consequently, the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

25.07.2022
mks

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO