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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-6910-2022
Date of decision : 24.11.2022

CHARANJIT KAUR

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kuljit Singh Bal, Advocate for the petitioner(s).

Ms. Ramta Choudhary, DAG, Punjab.

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JASJIT SINGH BEDI, J. (ORAL)

The present criminal writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. is for the issuance of a suitable writ in the nature of Habeas Corpus for the immediate release of the detenue, namely, Daljit Singh son of Tasbir Singh (son of the petitioner) from the hands of respondent No.3.

On 17.07.2022, the following order was passed:-

> *"The present criminal writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. is for issuance of a suitable writ in the nature of Habeas Corpus for the immediate release of the detenue, namely, Daljit Singh son of Tasbir Singh (son of the petitioner) from the hands of respondent No.3 by appointing a Warrant Officer keeping in view the facts and circumstances of the case.*
>
> *The learned Counsel for the petitioner submits that Warrant Officer be appointed for the release of*

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the detenue, who is in the illegal custody of respondent No.3, arrayed in the petition.

Notice of motion.

The Registry is directed to appoint a Warrant Officer who shall visit the place of the alleged illegal detention or any other place as may be pointed out by the petitioner. If the detenue is found to be illegal detention of respondent No.3, then the Warrant Officer shall proceed to get him released forthwith, in case he is not required in any other case. The Warrant Officer may take necessary help from the concerned police station, if the need arises.

List on 21.07.2022.

The remuneration of the Warrant Officer shall be borne by the petitioner.

The Warrant Officer shall submit his report on or before 21.07.2022."

Pursuant to the said order, a Warrant Officer was appointed and his report in this regard is placed on record. As per the said report, Daljit Singh, the alleged detenue was arrested in FIR No.150 dated 17.07.2022 registered under Sections 379 and 411 IPC at Police Station Ajnala, District Amritsar Rural.

A short reply dated 21.07.2022 has been filed on behalf of respondent Nos.1 to 4 by the learned State counsel by way of an affidavit of Tarsem Masih, PPS, Deputy Superintendent of Police, Detective, Amritsar Rural, District Amritsar, which is already on record.

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As per para No.3 of the reply, on 17.07.2022 Daljit Singh was apprehended by the police of Police Station Ajnala along with one stolen motorcycle and in this regard FIR No.150 dated 17.07.2022 under Sections 379, 411 of IPC was registered against Daljit Singh who is stated to be in judicial custody. One other case bearing FIR No.157 dated 27.08.2019 under Sections 376/506 IPC and Section 25 Arms Act also stands registered at Police Station Ajnala against Daljit Singh.

In view of the above, no further orders are required to be passed by this Court.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

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Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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