

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

293

CRWP-7057-2022
Date of decision: 25.07.2022

KAMALJEET SINGH AND ANR.

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present:- Mr. S.S. Tiwana, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226 of Constitution of India for issuance of a writ in the nature of Habeas Corpus for the release of alleged detainee namely Gurleen Kaur, daughter of the petitioners from the respondents No.4 to 7.

2. Vide order dated 21.07.2022, a Warrant Officer was appointed by this Court to visit the premises of respondents No.4 to 7 or any other place pointed out by the petitioner to trace the alleged detainee and to ensure the release, in case the detainee is found to be in illegal custody.

3. Pursuant to the aforesaid order, a report dated 22.07.2022 has been received from the Warrant Officer which reads thus:-

“It was about 7.15 p.m. when we reached Police Station Mandi Gobindgarh. On entering munshi room we met Addl. SHO- Avtar Ali, after giving

introduction and purpose of visit, we asked for police assistance so that compliance of orders of Hon'ble Court could be made.

At about 8.15 p.m. along with S.I. Angrez Singh belt no.770-FGS and S.I. Sukhdeep Kaur 53/LRR and ASI Piara Singh 161/FGS/ and lady const. Raman we moved for Ludhiana as desired by the petitioner informing undersigned that he has been informed by his known that the alleged detenue is at Ludhiana.

On reaching Ludhiana we went to Police Station Divn. no.3 Ludhiana, informed them about the search to be conducted in the area under their jurisdiction. Afterinforming they sent a duty officer along with us, and we moved for the place to be searched. On reaching the house in letam Nagar, Plot no.79, Gall no.2, Ward no.55, the door was knocked which was opened by a lady after giving introduction and purpose of visit the house was searched for the alleged detenue namely Gurleen, the ground floor, first floor and top floor of the house was searched but alleged detenue was not found. On asking the lady who introduced herself as Gurnam Kaur wife of Jaj Singh told that she is relative of respondent no.4, however she has no knowledge about alleged detenue-Gurleen.

Thereafter, we left the place and moved towards Mandigobindgarh as desired by the petitioner, informing that he has no knowledge for the present as to where he can search for his daughter.”

4. In view of the aforesaid report, it is evident that the detenue was not detained illegally by the respondents No.4 to 7 at the place so pointed out by the petitioner.

5. Learned counsel appearing on behalf of the petitioners however contends that the minor daughter of the petitioners has been

missing and has been illegally detained, however, despite registration of the FIR, police is not taking appropriate steps.

6. I have heard learned counsel appearing on behalf of the respective parties.

7. The instant petition was for seeking a writ in the nature of Habeas Corpus for securing release of the detainee. A report of the Warrant Officer shows that the detainee was not detained at the places pointed out by the petitioner and as such, the scope of the present petition comes to an end so far as the illegal detention of the minor daughter of the petitioner by the respondents No. 4 to 7 is concerned.

8. In view of the report as aforesaid, the learned counsel appearing on behalf of the petitioners does not press the instant petition. However, insofar as the prayer of the petitioners pertaining to inadequate steps having been taken by the Investigating Agency to trace the whereabouts of the petitioners, the petitioners shall be at liberty to take recourse to the alternative remedy available to them in accordance with law.

Dismissed as not pressed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 25, 2022

Vishal sharma

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