

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

CRWP-394-2018

Date of decision: April 29, 2022

Rohit Narang

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumit S. Bairagi, Advocate for
Mr. S.K. Passi, Advocate
for the petitioner.

Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for issuance of writ of *habeas corpus* for appointment of Warrant Officer to release the detainee, namely, Raju from the illegal custody of respondents No.2 and 3, i.e. DSP (Head Quarters), Ferozepur and SHO, Police Station, Ferozepur Cantt., respectively.

It is stated in the petition that petitioner-Raju is an employee of Rohit Narang, who is running a chemist shop in the name and style of M/s Sonia Medicare and Pharmaceuticals, Gobar Mandi, Ferozepur City. On 30.4.2018, the petitioner, along with his brother, were present at the chemist shop when 3-4 police personnel came and took Raju from the shop, despite the fact that it was stated that they are having a whole-sale drug and retail license. Later on, the petitioner came to know that those personnel were officials of Police Station, Ferozepur Cantt.

In pursuance to the Court order dated 1.5.2018, a Warrant Officer was appointed and he visited the Police Station in the presence of petitioner-Rohit Narang and Mithun Narang. The detainee was found in the

Police Station and as no satisfactory reply was given by the police, he was got released.

Reply by way of affidavit of DSP (City), Ferozepur is on record in which it is stated that a secret information was received that the owner of the medical hall, i.e. petitioner is constructing a house and had constructed an underground store and intoxicant tablets in huge quantity can be recovered. On this, a DDR No.27 dated 30.4.2018 was registered and, thereafter, the premise was checked and again another DDR No.34 was registered. On 1.5.2018, the Drug Inspector checked the shop of the petitioner and the detenue Raju was found present there. It is stated that the detenue was never taken in illegal custody by the police, rather 15 minutes before the arrival of the Warrant Officer, he himself came to the Police Station and found to be sitting in the premises and was not involved in any case.

Accordingly, this petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail the alternative remedy available to him.

April 29, 2022
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No