

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRWP-9840-2020

Decided on : 07.05.2022

Haryana Progressive Farmers Union-Sabka Mangal Ho

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuing a writ in the nature of Habeas Corpus for directing the respondents to release the detenues enumerated in the annexed list (Annexure P-2).

A perusal of the list (page 23) would show that 34 persons have been mentioned.

Learned State counsel has referred to the status report by way of affidavit of Rakesh Kumar Arya, IPS, Deputy Inspector General of Police, Law and Order Haryana, Panchkula to show that several FIRs were registered at the time of farmer organizations and 24 of the said persons, as mentioned in the list, have been detained/arrested under relevant legal provisions under Sections 107/151 Cr.P.C. in order to

prevent breach of peace and to maintain public order and were also produced before the Executive Magistrates. It is further submitted that some of the persons mentioned in the list were not detained/arrested. The relevant portion of the said status report has been reproduced hereinbelow:-

“The farmer organizations including the petitioner recently held a protest march on 10.09.2020 in which serious law and order problem was created by some of the agitators including committing serious crime. Details of four FIRs registered in Ambala district on 10.09.2020 against the miscreants is submitted as under:-

<i>Sr. No.</i>	<i>Details of FIRs</i>
<i>1.</i>	<i>FIR No. 310 dated 10.09.2020 u/s 307, 353, 186, 188, 269, 270 IPC, 3PDPP Act and 51 DM Act PS Sadar Ambala.</i>
<i>2.</i>	<i>FIR No. 199 dated 10.09.2020 u/s 307, 186, 188, 269, 270, 283 IPC, 8B NH Act and 51 DM Act PS Shahzadpur.</i>
<i>3.</i>	<i>FIR No. 247 dated 10.09.2020 u/s 307, 186 IPC, 51B DM Act PS Parao.</i>
<i>4.</i>	<i>FIR No. 217 dated 10.09.2020 u/s 186, 188, 332, 353, 283, 269, 270 IPC, 3PDPP Act, 8B NH Act, 51 DM Act PS Saha.</i>

Further, four FIRs have been lodged in district Kurukshetra. Detail of the FIRs is submitted as under:-

<i>Sr. No.</i>	<i>Details of FIRs</i>
<i>1.</i>	<i>FIR No. 508 dated 10.09.2020 u/s 147, 149, 114, 341, 307, 188 IPC, 51 NDM Act PS Shahbad.</i>

2.	<i>FIR No. 472 dated 10.09.2020 u/s 147, 149, 186, 269, 270, 307, 332, 353, 120-B IPC, 51 NDM Act PS Sadar Thanesar.</i>
3.	<i>FIR No. 473 dated 10.09.2020 u/s 147, 149, 269, 270, 283, 341, 120-B IPC, 51 NDM Act, 8-B NH Act, 3PDPP Act, PS Sadar Thanesar.</i>
4.	<i>FIR No. 474 dated 11.09.2020 u/s 147, 149, 189, 269, 270, 336, 120-B IPC, 51 NDM Act PS Sadar Thanesar.</i>

It is further submitted that another agitation was held by the farmer organizations on 25.10.2020 at Kurukshetra in which miscreants indulged in criminal activities. Therefore, FIR No. 631 dated 25.10.2020 u/s 114, 120-B, 147, 148, 149, 153, 153-A, 186, 188, 236, 279, 283, 307, 332, 353 IPC, 51-B NDM Act, PS Shahbad was registered against the miscreants. Thus, it is clear from above that these organizations have history of indulging in criminal activities, creating law and order problem and disturbing public peace and order.

xxx—xxx--xxx

5. *That it is submitted that reports from all field units have been obtained. It is revealed that twenty four out of thirty person mentioned in Annexure P-2 have been detained/arrested under relevant legal provisions i.e. under sections 107/151 Cr.P.C in order to prevent breach of peace and maintain public order and tranquillity and to avoid commission of criminal acts. All the detained/arrested persons have been produced before Executive Magistrates concerned in compliance of due legal procedure and the Magistrates after taking due cognizance, have issued orders for sending the persons to judicial custody. Detail of all such persons is annexed as Annexure R-1 for kind perusal of this Hon'ble Court.*

6. *That it is submitted that six persons mentioned at Sr. No.*

8, 15, 25, 27, 29 and 30 in Annexure P-2 have not been detained/arrested by the Haryana Police. In view of submissions made above, it is clear that no person mentioned in Annexure P-2 is in illegal custody/detention.

It is, therefore, prayed that the present petition of the petitioners may kindly be dismissed being devoid of any merit.”

Learned State counsel has further submitted that a detailed reply dated 07.04.2021 has also been filed by Sh. T. L. Satyaprakash, Secretary to Government, Haryana, Home Department on behalf of respondent No. 1, in which after giving entire background, the district-wise detail, as to why the persons, who are mentioned in the list, were proceeded against under Sections 107/151 Cr.P.C., has been given and even the dates and the other details have also been specifically mentioned. It has further been stated in the reply that the said action had been taken in order to maintain public order and in order to avoid any untoward incident.

In paragraph 8 of the said reply, it has further been detailed that in the protest march on 10.09.2020 wherein serious law and order problem was created and reference has been made to 4 FIRs, out of which, 3 FIRs have been registered under Section 307 IPC and other Sections.

It is, thus, submitted that everything has been done in accordance with law in order to prevent any breach of peace and also to take action against persons who had indulged in criminal activities.

None has appeared on behalf of the petitioner today.

On the last date as well as today, no body has appeared on behalf of the petitioner and the abovesaid facts have thus, not been rebutted.

After having heard learned State counsel and also having perused the record, this Court is of the opinion that the action taken by the respondent-State is in accordance with law and in order to avoid breach of peace and also to take action against persons who have indulged in criminal activities. The reply/status report would also, *prima facie*, show that procedure as per law has been adopted against the persons mentioned in the list and *prima facie*, they are not in illegal custody.

Thus, keeping in view the abovesaid facts and circumstances, the present petition is dismissed.

However, liberty is granted to the petitioner to approach this Court by filing a fresh petition in case any of the 34 persons, as mentioned in the list, or in case the petitioner union has any grievance that still survives.

May 7th, 2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No