

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

245

CRWP-8759-2022

Decided on : 10.10.2022

Gurmail Singh

. . . Petitioner(s)

Versus

State of Punjab and Others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Harish Sharma, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Gurcharan Dass, Advocate for respondent No. 4.

SANJAY VASHISTH, J. (Oral)

Reply by way of an affidavit of Gamdoor Singh, PPS, Deputy Superintendent of Police, Mehal Kalan, District Barnala has been filed by learned State counsel in the Court and same is taken on record.

On 09.09.2022, this Court was pleased to pass the following order:-

“Prayer in this petition is for issuance of a writ in the nature of habeas corpus and for appointment of a Warrant Officer.

Learned counsel contends that the alleged detenues namely Harjinder Singh s/o Nek Singh, Varinder Singh alias Vindu s/o Harjinder, Singh and Balwinder Singh, all r/o Mohalla Siwian, Near Gujjaran Da Dera. Raikot, District Ludhiana and motorcycle make Honda of detainee Harjinder

Singh, has illegally been detained by respondent No.3 without any reason and FIR.

Notice of motion for 10.10.2022.

In the meantime, the Registry of this Court is directed to appoint a Warrant Officer on usual charges, who will visit the places of detention of the alleged detenues and if found in illegal detention then to get them released immediately after recording their statements. The Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court.”

In pursuance of the abovesaid order, Warrant Officer has submitted his report dated 10.10.2022, which says as under:-

“For carrying out the orders of Hon'ble Court dated 09.09.2022, I was appointed as Warrant Officer in the above noted case. I, alongwith the Petitioner and one more person, proceeded for Police Station, Mehal Klan, District Barnala on 09.09.2022 and reached there 7:40 pm. No santri was at the gate and the gate was opened. We entered in the Police Station Mehal Klan, District Barnala where a PHG employee was standing in the parking. I asked him where is the munshi room. He took us in munshi room where Amrik Singh, HC (1028 BNL) was present. I asked him regarding the arrest of Harjinder Singh S/o Nek Singh, Varinder Singh @ Vindu s/o Harjinder

and Balwinder Singh @Kalwinder Singh!/o Gurcharan Singh? Munshi said only Harjinder singh s/o Nek Singh @ Harnek Singh arrested in connection with FIR No. 47 date 1 14.8.22 (Flag A) u/s 384, 120-B IPC and he has been produced in the Court of Sh. Vijay Singh Dadwal, JMIC Barnala and obtained remand for two days (Flag B), so he is behind the bars. Munshi also supplied the GD's regarding arrest memo and GD for taken to Barnale Court to the detenue and GD for coming back from Barnala Court (Flag C and D). Virender and Balwinder @ Kalwinder not arrested by the police, but they were sitting in the varanda (porch). I asked the munshi why they are sitting here. Munshi said, sir, they came to meet the detenue, but when I asked the Varinder and Balwinder @ Kalwinder they said police taken us here and not allowing to go to home. I obtained their statements which are in Punjabi Language, as per the orders passed by Court which are placed at Flag 'X' and 'Y'.

In the meanwhile SHO, Kamaljit Singh (599/PR) also reached there. Munshi disclosed the tale to him. He also said police has arrested only Harjinder Singh u/s 384, 120-B IPC and he is on two days remand. He called the computer operator and ordered him to type the DDR regarding out visit, who typed GD no. 31 dated 9.9.22 time 20:37 hrs (Flag E)

in which he has also stated that Harjinder Singh s/o Harnek Singh arrested u/s 384, 120-B IPC and he was produced Hon'ble Court of Sh. Vijay Singh Dadwal, JMIC, Barnala and obtained two days remand. Varinder Singh and Kalwinder Singh are not required to police in any case. They were sitting in the Varanda (porch) and they are free and could go alongwith the petitioner and warrant officer.

After receiving the above said documents we came out from the police station Mehal Klan, District Barnala alongwith Varinder and Balwinder @ Kalwinder Singh. They were dropped in the way and petitioner hired me a taxi from Ludhiana to Mohali and petitioner went to his own.

Served notices for respondent no. 2, 3 and 4 returned herewith.

Submitted for kind perusal."

In view of submission made in the said report, present petition is disposed of.

Needless to say that, petitioner is free to avail appropriate remedy available to him, in accordance with law.

**(SANJAY VASHISTH)
JUDGE**

October 10, 2022
Riya

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No