

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

224

CRWP-12306-2021

Decided on : 17.01.2022

Ram Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Aditya Pratap Singh, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present Criminal Writ Petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for the release of the detenues mentioned in Para 2, who are stated to be in illegal detention of respondent Nos. 4 and 5.

Learned counsel for the petitioner has submitted that as per his instructions, the detenues have been release.

On 29.12.2021, A coordinate Bench of this Court was pleased to pass the following order:-

“This is a criminal writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for the release of the detenues mentioned in Para 2, who are stated to be in illegal detention of respondent Nos. 4 and 5.

At the outset, learned counsel for the petitioner submits that inadvertently, 'respondents No. 1 and 2' have been mentioned in the headnote of the present petition instead of

'respondents No. 4 and 5', and prays that necessary correction be carried out accordingly.

In view of the above, prayer is accepted. Word 'Respondents No. 4 and 5' be read in place of 'respondents No. 1 and 2' in the headnote of the present petition. Registry to carry out the necessary correction.

Notice of motion for 16.01.2022.

Meanwhile, the Registry is directed to appoint a Warrant Officer, who shall search for the whereabouts of the alleged detenues, at the address(s) mentioned in the petition or at any other place(s) as may be indicated by the petitioner, and if, the alleged detenues are found to be in illegal custody of respondents No. 4 and 5, they be got released forthwith. The fee of the Warrant Officer shall be determined by the Registry as per Rules and borne by the petitioner. The report of Warrant Officer be also placed on record before the next date of hearing.”

In pursuance of the said order, a report has been submitted by the Warrant Officer in a sealed cover and the sealed cover is opened in the Court today and the same is taken on record. It has been submitted by the Warrant Officer in the said report that when he visited the spot, the detenues were roaming around freely near their hut and they had informed that they did not want to work there and the matter was discussed with the owner of the brick kiln, who stated that the said labourers had come of their own choice and are free to go anywhere at anytime. The relevant portion of the said report is reproduced hereinbelow:-

“xxx--xxx--xxx

In the presence of undersigned and police party all the detenues

mentioned in the petition at Serial Nos. 5 to 11 (except detenues mentioned at Serial Nos. 1 and 4, as they have already been gone at their village) were not interested to do the work at the said brick kiln and have gone with the petitioner. The alleged detenues were not guarded by anyone at the time of my visit.

*Statement of Sh. Ram Kumar, petitioner may kindly be perused at **Annexure 'R-2'**. Statement of Sh. Rohit owner of the brick kiln may kindly be perused at **Annexure 'R-3'**. Statement of Sh. Baljit Singh, ASI may kindly be perused at **Annexure 'R-4'**. Notice on behalf of respondent No. 1 and 2 served to Sh. Narain Singh, MHC. Notice of respondent No. 4 and 5 served to Sh. Rohit owner of the brick kiln.*

Hence after satisfaction of the petitioner the undersigned proceeded back to Chandigarh.

Report is submitted for a kind perusal please.”

In view of the statement made by learned counsel for the petitioner and in view of the abovesaid report, the present petition has become infructuous.

Disposed of having been rendered infructuous.

(VIKAS BAHL)
JUDGE

January 17th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No