

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

204

**CRWP-10658-2022
Decided on : 18.11.2022**

Rakhi

. . . Petitioner(s)

Versus

State of Punjab and Others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Krishan Kanha, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

On 10.11.2022, this Court was pleased to pass the following
order:-

*“Prayer in this petition, filed under Article
226/227 of Constitution of India, is for issuance of
a writ in the nature of habeas corpus.*

*Learned counsel for the petitioner contends
that the alleged detenues, Vyom Arora, who is
husband of present petition, has been illegally
detained by the police, at the instance of
respondent No.3 – Station House Officer, Police
Station, Zirakpur.*

Notice of motion for 18.11.2022.

*In the meantime, the Registry is directed to
appoint a Warrant Officer, on payment of usual
charges, who will visit the place(s) of alleged*

detention of detenu and if found in illegal detention, then to get them released immediately after recording his statement.

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 14.11.2022, which says as under:-

“For carrying out the order dated 10.11.2022 passed by Hon'ble Court, I have been appointed as warrant officer in the above noted case. The brother of the petitioner came at my house in the evening of 10.11.2022 at 6:30 PM alongwith warrants and notices. I asked him where is the petitionery First he said, that Rakhi my sister went back to Amritsar. I said to him, have you a GPA of her, he said no, then I said to him, call her as she should be must alongwith us for conducting the raid at Police Station, Zirakpur. The petitioner Rakhi consulted with his brother and said that you should reach at the Police Station Zirakpur, I will meet you there. We hire a Taxi and reached at Police Station Zirakpur about 8:15 PM. Her brother called her, she met us outside the Police Station. I asked her name, she said I am Rakhi and my husband namely Vyom Arora is arrested by SHO Police Station, Zirakpur. Then we entered in

the Police Station where duty officer, Jaswinder Singh, ASI (325 Mohali) met us. I disclosed my identity and asked about the arrest of Vyom Arora. He said, sir not in my knowledge, then he made a call to SHO Zirakpur, who was on Naka Duty. After conversation with SHO. duty officer said, no Vyom Arora has been arrested, neither any FIR by name is registered in the Police Station. Then I said to him we want to check the entire Police Station. With the help of Lady Constable Pooja Rani (1786 Mohali) and ASI Jaswinder Singh we checked entire building of the Police Station. Vyom Arora was not found present in the Police Station. I asked him, show me the CCTV Footage. He said the same are out of order due to some technical problem and also computers of the Police Station are out of order. I further asked him whether any complaint regarding this had been made to the concerned then Pooja Rani said, the complaint had been made through mobile and she also supplied me 3 papers of screen shots of mobile which are added below for kind perusal (Flag B).

ASI called the munshi Karamvir Singh, constable (2029 Mohali) to write the DDR No. 4708/SA dated 10.11.2022 (Flag A) regarding our visit and he also mentioned in the said DDR, Vyom Arora is not arrested in any case and no FIR by

name against him is registered with the Police Station, Zirakpur. He has also given a note regarding CCTV/computer, are out of order with some technical problem and the complaint regarding it had already been made to higher authorities.

After reading the DDR, petitioner Rakhi also signed on the DDR also got served notice of regarding Respondent no. 2 and 3 to munshi Karambir Singh with the signatures and seal of the Police Station, Zirakpur.

After receiving the above said documents we came out from the Police Station and hardly we came back 50-60 feet Rakhi said a car entered in the Police Station and I presume Vyom Arora is in that car. Then his brother immediately went back in the Police Station to check the same but they were some other people in the car. Then we came back and they dropped me at my house and they went on their own. Served notices through Munshi of Resp. 2, and 3 are returned herewith.

Submitted for kind perusal.”

Learned counsel for the petitioner submits that he has certain objections against the conduct of the Warrant Officer, who did not visit other places pointed out by the petitioner, for conducting raid.

In view of submissions made in the said report, present petition is not sustainable, therefore, same is disposed of.

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

(SANJAY VASHISTH)
JUDGE

November 18, 2022
Riya

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>