

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

210

**CRWP-178-2022 (O&M)
Decided on : 17.02.2023**

Joginder Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Molly A. Lakhanpal, Advocate for
Mr. Ranjan Lakhanpal, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Order dated 01.02.2023, says as under:-

“On 21.01.2022, following order was passed:-

“CRM-W-43-2022

In pursuance of the order dated 07.01.2022, report has been submitted by the Warrant Officer, as per which, the petitioner was arrested in connection with FIR No.2 dated 06.01.2022 and thus, it cannot be said that the petitioner was in illegal custody.

Learned counsel for the petitioner, at this stage, has pointed out that detenue has been badly beaten up and has prayed that his medical examination may kindly be done and he be examined in General Hospital, Sector-16, Chandigarh. For the said purpose, the present petitioner has moved an application i.e. CRM-W-43-2022.

Notice in the application.

Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and seeks time to file reply to the application.

List the main case on 03.03.2022.

In the meantime, respondent No.3 is directed to get detenue examined from General Hospital, Sector-16, Chandigarh before 03.03.2022 and to submit a report regarding his medical condition on the next date of hearing.”

Thereafter, respondents No. 1 to 4 have filed their reply dated 17.03.2022 to the application CRM-W-43 of 2022 by way of an affidavit of Parshan Singh, PPS, Deputy Superintendent of Police (D), Moga, District Moga. Paras 1 and 2 thereof read as under:-

- 1. “That actual facts are that on 06.01.2020 a police party headed by SI Gurtej Singh apprehended the alleged detenue Gurpreet Singh @ Gopi alongwith Baljit and Varinder Singh @ Binda and from possession of petitioner one pistol 9MM alongwith 6 cartridges were recovered, whereas from possession of Baljit Singh 2 hand grenades and from possession of Varinder Singh one pistol 9 MM one separate magazine and 12 live cartridges were recovered and in this regard case bearing FIR No.2 dated 06.01.2022 U/s 307 IPC and 25 Arms Act 3, 4, 5, PS Mehna was registered against them and on next day i.e. 07.01.2022 alleged detenue and o9thers were produced before the Ld. Court and they were sent on police remand. On 10.01.2022 said Gurpreet Singh got recovered one pistol 32 bore country made alongwith 2 live cartridge u/s 27 of Evidence Act. On 08.01.2022 warrant officer appointed by this Hon'ble Court raided the premises of CIA Staff, Moga and all the facts were informed to him and to this effect he has also entered DDR in the register of CIA Staff, Moga. So, petition of the petitioner is devoid of merits and is liable to be dismissed.*
- 2. That all the allegations leveled by petitioner/applicant against answering respondents are false and baseless. However, it is also submitted here that in compliance of order dated 21.01.2022 passed by this Hon'ble Court, medical examination of alleged Gurpreet Singh was got conducted from Government Multi Specialty Hospital, Chandigarh, Sector-16, Chandigarh. As per MLR said*

Gurpreet Singh was having only complaint of pain in left side of chest at the time of examination. Copy of MLR is attached herewith as Ennexure R-1 ”.

Today, there is no representation on behalf of the applicant-petitioner.

In the interest of justice, adjourned to 17.02.2023. ”

On the very outset, counsel for the petitioner seeks withdrawal of present petition.

Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

February 17, 2023

J.Ram

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