

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

120

CRWP No. 399 of 2023

Date of Decision: 13.01.2023

Gurvinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Surinder Gandhi, Advocate for the petitioner.

Mr. Rajat Gautam, D.A.G, Haryana.

ANOOP CHITKARA, J.

Seeking release of the alleged detenu, the petitioner has come up before this Court under Article 226 of the Constitution of India.

Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.

The allegations regarding illegal detention are stated in paragraph no. 3 of the petition and prima facie, point towards some restrain. Given above, considering the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Sub Divisional Magistrate, either on its own or through a warrant officer or any other officer authorized by the DM/SDM, visit the place of detention and, if the persons are found to be in illegal custody, ensure their immediate release, subject to verification, that there are no malafide intentions and the custody is bonafide, apart from other aspects which would require consideration. If such an officer needs police assistance, the SHO of the concerned police station(s) shall provide it.

This petition is closed with the directions mentioned above, which are to be complied with on a priority. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the alleged detenu is required in any cognizable case. It shall also be open for the petitioner to approach this Court again for any surviving or consequent grievances.

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There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

13.01.2023

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: **No.**