

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

214

CRWP-542-2023

Decided on : 24.02.2023

Preeti Rani

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mohd. Yousaf, Advocate
for the petitioner(s).

Mr. Vinay Kumar Gupta, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Order dated 23.02.2023, says as under:-

*“In the present Habeas Corpus petition, on 18.01.2023,
following order was passed:-*

*“Prayer in this petition, filed under Article 226 of the
Constitution of India, is for issuance of a writ in the nature
of habeas corpus to release the detenu, namely, Vijay
Kumar son of Mukhtiar Singh, resident of Sukhram Colony,
H. No. 20, Gali No. 10, Patiala, District Patiala from the
illegal custody of respondents No. 3 and 4.*

*Learned counsel for the petitioner submits that in
fact, police wants to arrest Bobby Mehra (brother of the
petitioner) to implicate him in some false case. Counsel
further submits that petitioner's maternal uncle has been
picked up for no reason by the police of District Patiala on
14.01.2023 and he is in illegal custody of the police.*

*Learned counsel for the petitioner has prayed for
appointment of Warrant Officer for visiting the premises of
private respondents No. 3 and 4 or other places as would
be indicated by the petitioner at relevant time.*

Notice of motion, for 23.02.2023.

*On asking of the Court, Mr. J.S.Arora, DAG, Punjab,
accepts notice on behalf of respondents-State.*

*In the meantime, 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 him released immediately
after recording his statement.*

*Warrant Officer shall submit his detailed report in
that regard on or before the date fixed by this Court.”*

In compliance to the order dated 18.01.2023, report of the warrant officer has been produced in Court today in a sealed cover, which has been opened and perused. Relevant part of the said report says as under:-

“Accordingly, pursuant to the abovesaid orders of Hon'ble High Court, the undersigned alongwith the petitioner Preeti Rani and taxi driver Munish reached Police Station Anaj Mandi at 08.17 p.m. on 18.01.2023 (Annexure A1). where SHO Amandeep Singh 8/LRT was present, to whom I disclosed my identity and the purpose of my visit. We enquired about the detenue -Vijay Kumar. In response thereto, SHO Amandeep Singh told us that Vijay Kumar not in our custody as we have contacted him at his residence to know the whereabouts of Bobby Mehra (brother of the petitioner - Preeti Rani) who is absconding and is required in connection with FIR no. 2 dated 06.01.2023 u/s 302, 34 of IPC lodged in P.S. Anaj Mandi, Patiala (Annexure A2). He further told me that two persons namely Ajit Singh @ Angi and Golu Kumar have been arrested and are in police remand but Bobby Mehra is yet to be arrested. I alongwith petitioner - Preeti Rani visited the each and every room of the police station (ie. the police lock-up pantry, wireless room, Asla room and staff room) and Vijay Kumar was not there. Lastly the HC Amanjot Singh 2174/PTL informed in writing that Vijay Kumar was neither called by the police nor required in any case (Annexure A3) and we left the Police Station Anaj Mardi at 08.54 p.m. (Annexure A4) and proceeded for next Police Station Tripri Patiala. We reached there at 9.37 pm (Annexure A5). where ASI Harjinder Singh 847 Duty Officer was present. We enquired about the detenue-Vijay Kumar, he informed in writing that that Vijay Kumar is not in their custody (Annexure A6) and further informed that SHO Pardeep Singh Bajwa is on Patrolling in the area. In spite of his statement, I alongwith petitioner - Preeti Rani search the entire police station but Vijay Kumar was not there. So, we left the said police station at 10.01 pm on 18.01.2023 (Annexure A7).

In view of above, it is submitted that undersigned alongwith petitioner -Preeti Rani searched both the police stations i.e. Anaj Mandi and Tripri Patiala. but the detenue-Vijay Kumar was not found in police custody and statements to this fact had also been recorded by the concerned officials of the abovesaid police stations. Moreover, SHO Amandeep Singh, PS Anaj Mandi told us that we have contacted Vijay Kuinar at his residence to know the whereabouts of Bobby Mehra (brother of the petitioner - Preeti Rani in connection with FIR no. 2 dated 06.01.2023) who is absconding and also told that Vijay Kumar was neither called by the police nor required in any case.

After satisfaction of the petitioner, the undersigned proceeded back to Chandigarh.

Submitted for kind perusal.

*Sd/-
Surinder Singh
Warrant Officer”*

Said report of the warrant officer is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Since, there is no representation on behalf of the petitioner, in the interest of justice, adjourned to 24.02.2023. ”

Besides this, status report dated 22.02.2023, by way of affidavit of Jaswinder Singh Tiwana, PPS, DSP, City-2, District Patiala, on behalf of respondents No.1 to 4, has been filed in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

Today while appearing, counsel for the petitioner submits that when raid was being conducted at the Police Station, Dana Mandi, Patiala (respondent No.3) by the Warrant Officer, respondent No.4 i.e. S.H.O., Police Station Tripuri Patiala, District Patiala, released detenue ‘Vijay Kumar’ from the illegal custody, though there is no such evidence available with him at present.

Therefore, counsel for the petitioner submits that as stated herein-above, present petition stands disposed of being infructuous.

Ordered accordingly.

**(SANJAY VASHISTH)
JUDGE**

February 24, 2023

J.Ram

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