

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-W-550-2023 IN/AND
CRWP-1640-2023 (O&M)
Decided on : 25.04.2023

RAJINDER KUMAR

. . . Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the non-applicant-petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Gurcharan Dass, Advocate
for the applicant-respondents No. 4 to 7.

SANJAY VASHISTH, J. (Oral)

CRM-W-550-2023

(i) Prayer in the present application, moved by respondent No.4 is for placing on record copy of affidavit dated 28.02.2023 of Lalit Kumar as Annexure R-4/4 and exemption from filing certified copy thereof.

(ii) Notice in the application.

(iii) On asking of the Court, Mr. J. S. Arora, DAG, Punjab, accepts notice on behalf of respondents No. 1 to 3- State. He does not raise any serious objection, if the prayer made in the application is allowed.

(iv) In view of the averments mentioned in the application, same is allowed. Consequently, affidavit dated 28.02.2023 of Lalit Kumar is ordered to be taken on record as Annexure 4/4. Registry is directed to tag the same at appropriate place.

(v) Application stands disposed of.

CRWP-1640-2023

1. On dated 02.03.2023, following order was passed by this

“Present: Ms. Harpreet Kaur, Advocate for the petitioner.
Mr. J.S. Arora, DAG Punjab.
Mr. Gurucharan Dass, Advocate
for the respondent Nos.4 to 7.

CRM-W-261-2023:

This is an application for placing on record reply along with documents Annexure R-4/1 to R-4/3 on behalf of respondent No.4.

Notice to the non-applicant(s).

Copy given to counsel for the petitioner.

Application stands disposed of.

Main Case:

Mr. J.S. Arora is not possessed with the brief of the case. Thus, requests for an adjournment.

Report dated 20.02.2023 prepared by Warrant Officer is opened from the sealed cover by the Bench Secretary and same is gone through. Relevant part of the said report, prepared by Warrant Officer says as under:-

“As desired by the petitioner, the undersigned along with Sh. Rajinder Kumar, petitioner reached at Police Station Division 7, Ludhiana Punjab on 18.02.2023 at about 03:00 P.M., with regard to releasing Sh. Lalit Kumar (son-in-law of the petitioner), Ms. Sunita (daughter of the petitioner) and their daughter, detenues mentioned in Crl. Writ Petition No.1640 of 2023 from the illegal custody of respondent Nos.4 to 7. Sh. Satbir Singh, Sub-Inspector was present in the Police Station. I apprised him about the purpose of my visit. Entry was made in the Roz Namcha on Computer, vide General Diary No.028 (Annexure 'R-1 ') . Thereafter, the undersigned along with petitioner as well police party Sh. Satbir Singh, Sub-Inspector, Sh. Kuldeep Singh, Head Constable and Sh. Gursahib Singh, Head Constable conducted raid at the residence of respondent Nos.4 & 5 and searched their residence but Sh. Lalit Kumar, Ms. Sunita, detenues and their daughter were not found there. On asking, respondent Nos.4 & 5 have stated that their son Sh. Lalit Kumar has been missing from the house since 01.02.2023 and in this regard, they have lodged FIR No.67 dated 10.02.2023 under sections 346 IPC at Police Station Division 7, Ludhiana, Punjab at Annexure 'R-2'. Further, they have stated that Ms. Sunita along with her daughter have gone with her brother Sh. Sandeep to her parent's house on 17.02.2023. Thereafter, the undersigned along with petitioner and police party conducted raid at the residence of respondent Nos.6 &

7 at House No.1932, Sector 32, Ludhiana, Punjab. Sh. Gaurav son of Sh. Jagdish and his wife were present there. On asking, they have stated that Sh. Lalit Kumar has gone somewhere from the house on 17.02.2023 and Ms. Sunita along with her daughter have gone with her brother Sh. Sandeep to her parent's house on 17.02.2023. Sh. Satpal Singh Sidhu, Inspector has informed that a FIR No.67 dated 10.02.2023 under sections 346 IPC has been registered at Police Station Division 7, Ludhiana, Punjab and investigation in this matter is under process. Sh. Rajinder Kumar, petitioner has informed that his daughter Ms. Sunita along with her daughter have reached at home on 17.02.2023 at 05:00 P.M. Entry was made in the Roz Namcha on Computer, vide General Diary No.033 dated 18.02.2023 at Annexure 'R-3'. Statement of Sh. Hari Dass and Ms. Santosh Kumari, respondent Nos.4 & 5 may kindly be perused at Annexure 'R-4'. Statement of Sh. Gaurav and Ms. Manisha, respondent No.6 & 7 may kindly be perused at Annexure 'R-5'. Statement of Sh. Rajinder Kumar, petitioner may kindly be perused at Annexure 'R-6'. Notice on behalf of respondent No.4 to 7 served to the quarter concerned.

Hence after satisfaction of Sh. Rajinder Kumar, petitioner the undersigned proceeded back to Chandigarh.

Report is submitted for kind perusal please.

Report is taken on record. Registry is directed to tag the same at an appropriate place in the file.

Learned counsel appearing for the petitioner submits that detainees Nos.2 and 3 have already reached the house of petitioner and alleged detainee No.1- Lalit Kumar is present in the Court, and is identified by the counsel for respondent Nos.4 to 7 on being confirmed by father of Lalit Kumar detainee, who is also present in Court with his son.

Mr. Gurucharan Dass, Advocate, learned counsel appearing on behalf of respondent Nos.4 to 7, has furnished Vakalatnama of respondent No.6, as well, which is taken on record. He submits that there is no substance in the allegations mentioned in the petition and thus, same is liable to be dismissed. However, to ascertain the view point of the respondent-State, adjourned to 25.04.2023. ”

2. While referring to the notarized affidavit dated 28.02.2023 of Lalit Kumar, which is taken on record today itself, learned counsel for respondents No. 4 to 7 submits that in the present habeas corpus petition, factum of reaching of detainees No. 2 and 3 at the house of petitioner, has

already been recorded in the previous order dated 02.03.2023 and detainee

No. 1-Lalit Kumar, who was present in the Court on previous date of hearing, is present today also and he has filed the affidavit before this Court stating therein that he has reached his home.

3. Thus, counsel for the State as well as counsel for the private respondents jointly state that present petition may be disposed of as having been rendered infructuous.

4. Though, there is no representation on behalf of the petitioner, yet looking at the previous order and the detente Lalit Kumar, who is present in the Court himself told that presently he is free in all respect though was initially disturbed because of family affairs.

5. Accordingly, this Court finds that nothing survives in the petition, thus, same stands disposed of as having been rendered infructuous.

(SANJAY VASHISTH)
JUDGE

25.04.2023

Riya

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No