

2023:PHHC:068086
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRWP-3183-2023 (O&M)
Date of Decision: 11.05.2023

Sukhchain Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. R.S. Bains, Sr. Advocate with
Mr. Saurabh Bedi, Advocate
for the petitioner.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for production and release of alleged *detenue* Harjit Singh son of Sardar Swaran Singh resident of Village and Post Office Jallupurkhara, Tehsil Baba Bakala, Police Station Khalchain, District Amritsar, who is alleged to have been illegally detained by the local police on 20.03.2023.

2. A short reply by way of an affidavit of the Senior Superintendent of Police, District Amritsar (Rural), has been filed on behalf of respondents No. 1, 3 to 5. Learned State counsel submits that the alleged *detenue* Harjit Singh has been detained under the provisions of the National Security Act, 1980, (hereinafter referred to as the 'NSA Act') after following the due process of law and is presently lodged in Central Jail, Dibrugarh, Assam. He further submits that the said *detenue* is a close associate of Amritpal Singh and is his uncle in relation. He was actively supporting Amritpal Singh in his activities and was professing radical ideology. On

23.02.2023, Amritpal Singh and his supporters including Harjit Singh illegally and unlawfully trespassed in Police Station Ajnala, District Amritsar (Rural) and got released one of his aide namely, Lovepreet Singh @ Tufaan Singh, who was arrested by police in case FIR No. 29 dated 16.02.2023 under Sections 365, 323, 506, 379-B, 148 and 149 of IPC registered at Police Station Ajnala, District Amritsar (Rural). During his unlawful entry, Amritpal Singh, Harjit Singh and their accomplices caused injuries to the police personnel and also tried to disturb the law and order. Since Harjit Singh and Amritpal Singh had been continuously acting in a manner prejudicial to the security of the State and to the maintenance of law and order, a detention proposal to detain said Harjit Singh was prepared in accordance with the provisions of the NSA Act. Thereafter, the Senior Superintendent of Police, Amritsar (Rural) vide his office letter dated 17.03.2023 sent the proposal to the District Magistrate, District Amritsar, who further considered the said proposal and issued detention order with detailed grounds of detention under the provisions of Section 3(2) of the NSA Act for detaining said Harjit Singh. Accordingly, in terms of the order passed by the District Magistrate, Amritsar, Harjit Singh was detained by the police of District Amritsar (Rural) from Mehtatpur area of District Jalandhar. Apart from that, on the orders of District Magistrate, Amritsar, he was taken to Dibrugarh, Assam and was confined in Central Jail there. He further contends that prior permission of the Government of Assam was duly obtained prior to lodging Harjit Singh in Central Jail Dibrugarh. The learned State counsel further contends that the detention order has been duly communicated to the concerned and the entire process of law has been

followed. He further contends that in terms of Section 8 of the NSA Act, Harjit Singh, has a right to make a representation in writing against the detention order. Still further, the case of Harjit Singh was referred to the Advisory Board on 31.03.2023 as required under Section 10 of the NSA Act and is now under active consideration of the Advisory Board. Consequently, the petitioner/Harjit Singh has a remedy of making the representation before the said Authority.

3. I have heard learned counsel for the parties and perused the record.

4. Since, the alleged *detenue* Harjit Singh has been detained under the provisions of the NSA Act by following the due process of law and there is no evidence to the contrary; consequently, the present petition with a prayer to issue a writ in the nature of *Habeas Corpus* is not maintainable before this Court. Apart from that, the matter is already pending for consideration before the Advisory Board as per the provisions of Section 10 of the NSA Act, the petitioner is at liberty to avail his remedies before the Advisory Board or any other appropriate Court of law, in accordance with the provisions of law.

5. Accordingly, the petition is ordered to be dismissed.

11.05.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

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