

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRWP-4387-2023

Decided on : 22.05.2023

Gurwant Singh

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amandeep Singh Manaise, Advocate
for the petitioner(s).

Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. In the present habeas corpus petition, on 04.05.2023 following order was passed:

“1. 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 and for appointment of a Warrant Officer.

2. Learned counsel contends that the alleged detenues, namely, 1. Lovepreet Singh, aged 27 years, 2. Jatinder Kaur, aged 54 years & 3. Harjot Singh, who are related as son, wife and wife's nephew respectively of the petitioner, has been illegally detained by respondent No. 3-Station House Officer, Police Station, Ramngar, District Karnal and respondents No.4- Incharge, CIA-2 Staff, New Police Lines, Karnal, District Karnal.

3. Notice of motion for 22.05.2023, subject to filing of process fee.

4. 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 detenues and if found in illegal detention, then to get them released immediately after recording their statement.

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

2. Today, report dated 08.05.2023 of Warrant Officer along with attached documents has been taken out from the sealed envelope by the Court Secretary and is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Relevant para of the report is reproduced hereinbelow :

“In compliance of the orders dated 04.05.2023 passed by the Hon'ble High Court, I alongwith the petitioner of the alleged detenues and his brother reached Police Station, CIA-2 Staff, New Police Lines, Karnal District Karnal at 10.50 P.M. on 04.05.2023, detenue Lovepreet Singh and Jatinder Kaur were standing outside the said Police Station. At 10.54 P.M., I alongwith the petitioner and

detenue Lovepreet Singh, Jatinder Kaur and his brother entered into the Police Station. SHO Mohan Lal, MHC Mohan Lal, Constable Mohit, Head Constable Satinder and other Police Officials were present in the said Police Station. I disclosed my identity and purpose of visit to them. Entry in this regard was made in the D.D. Register. D.D. No.11 dated 04.05.2023 is enclosed herewith as Annexure "A"

I asked SHO Mohan Lal whether detenues- Lovepreet Singh, Jatinder Kaur and Harjot Singh are in illegal custody of Respondent No.3 and 4. He denied the allegation made by the petitioner and told that these detenues were detained by the Police in Case FIR No. 0153 dated 01.06.2021 Police Station Ram Nagar, Karnal under Section 406,420 and 34 IPC. Detenue Lovepreet Singh and Jatinder kaur had left the Police Station at 4.00 P.M. after giving their statements on 04.05.2023 .Detenue Harjot Singh was required in the said FIR for further investigation. SHO Mohan Lal handed over the Arrest Memo of the said detenue which was prepared by the Police Station Ramangar (Respondent No.3) alongwith [D.D.R.No. 10](#) dated 04.5.02023. Copies of the FIR No. 153 dated 01.06.2021, Arrest Memo alongwith DDR are enclosed herewith as Annexure "B" "C" and "D" respectively.

During the search operation, the said SHO told me that a Criminal Writ Petition No. 7395 of 2022 has been filed by one Lakhwinder Singh, father of the victim namely Vikramjit Singh for issuance of direction to the official respondents for making inquiry to locate whereabouts of his son, who on 27.11.2020, boarded a flight from Delhi to Dubai and then on 02.12.2020 to Turkey through travel agent. Thereafter, he went missing and the said petitioner has already got registered an FIR No. 153 dated 01.06.2021 under Section 320, 406, 420, 384 and 34 of IPC and Section 24 of Immigration Act at Police Station Ram Nagar District Karnal. He further told that the Hon'ble Court has further directed the Superintendent of Police, Karnal to ensure filing of detailed exhaustive reply within 10 days and concerned Investigating Officer be also deputed to be present before the Hon'ble Court and the said case is now fixed for hearing on 16.05.2023 before the Hon'ble Punjab and Haryana High Court, Chandigarh. The copy of the order dated 25.04.2023 passed in Criminal Writ Petition No. 7395 of 2022 is enclosed herewith as Annexure "E"

A meeting was also arranged between the petitioner and the said detenue. All three detenues alongwith the petitioner have given their respective statements which are in Punjabi script and are enclosed herewith as Annexure " F, G, H, and "I" respectively.

Therefore, it is reported that detenue, namely, Lovepreet Singh and Jatinder Kaur were not found present in illegal detention of Respondent No.3 and 4 and detenue Harjot singh is required in FIR No. 153 dated 01.06.2021 under Section 406, 420 and 34 IPC Police Station Ram Nagar, Karnal.

Submitted for kind perusal please.

CHANDIGARH

TARA DATT JOSHI

DATED: 08.05.2023
OFFICER"

WARRANT

CRWP-4387-2023

- 3. In view of the report submitted by Warrant Officer, counsel for the petitioner seeks withdrawal of the present petition.
- 4. Dismissed as withdrawn.
- 5. However, it would be open for the petitioner to seek any other appropriate and alternative remedy available to him under the law.

(SANJAY VASHISTH)
JUDGE

May 22, 2023
k.nain

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