

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

CRWP-626-2019

Reserved on: 08.08.2023

Pronounced on: 16.08.2023

Sharan Ahuja

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. S.K. Bokolia, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Ravi Kamal Gupta, Advocate for respondent No. 2.

ANOOP CHITKARA, J. (ORAL)

On receipt of an e-mail addressed to the official address of this Court way back on 15.07.2019, this Court had proceeded in the matter by appointing a warrant officer vide order dated 18.07.2019 and the matter is still pending for the last four years.

2. The said email reads as follows:

"We are resident of village Arayian Wala Kalan, District Faridkot. Sir, we are suffering from the illegal harassment by the Thana Sadar police, Faridkot, specially by S.H.O. Gurmeet Singh. Without any reason he picked (also beaten) Gurmeet Singh s/o Sooba Singh & Raman Kumar s/o Tarsem Lal & many others. S.H.O. had picked them from 2 days in police custody and without FIR whereas the big smugglers of the area are never picked by the S.H.O. And if anybody complaints about the main smugglers of drugs, no action is being taken by the police whereas innocent people are picked. We beg you to take right action against the S.H.O. Sadar Faridkot and we will be very thankful to you."

3. The concerned Senior Superintendent of Police, had filed a detailed reply on 12.08.2019 through his affidavit. As per the said reply, one detenue Amandeep Singh

was got released vide DDR No. 31 dated 18.07.2019 and its copy is annexed as Annexure R-1 to the reply.

4. As para 2 of the reply, Mr. Gurpreet Singh, PPS Deputy Superintendent of Police, Sub Division Faridkot, who probed the matter of illegal custody of Amandeep Singh, stated that as per the explanation of concerned Inspector Gurmeet Singh, they had called Amandeep Singh to the police station in connection with a complaint No. 786/LPC but the detainee plotted a scene in order show his presence in police station and got himself released through the warrant officer.

5. However, the concerned Deputy Superintendent of Police, found that Inspector Gurmeet Singh did not dealt with the complaint against Amandeep Singh property and consequently, Inspector Gurmeet Singh was transferred to police lines and a departmental enquiry was initiated against him. As per para 4, in addition to the present complaint, similar type of complaints had been received against Inspector Gurmeet Singh and all those complaints were directed to be inquired with the present complaint.

6. As reflected in order dated 26.07.2019, counsel for the petitioner leveled some allegations of taking Rs. 3000/- from the petitioner and Rs. 4000/- from the detainee illegally.

7. Since this Court is prima facie, concerned with the illegal detention of the detainee, now detainee has been released, as such, primary purpose of entertaining an email as a habeas corpus petition has been fully satisfied. Regarding allegations of taking money illegally, liberty is reserved to the complainant-petitioner to take appropriate action or file a complaint to the appropriate authorities in accordance with law. It is clarified that since the allegations regarding taking money illegally were made in the month of July, 2019, as such if petitioner chooses to file complaint, in that case, limitation for taking appropriate remedy will start from today in accordance with law.

8. Although, a co-ordinate Bench of this Court had passed details orders regarding the allegations against the warrant officer but in a writ jurisdiction, this Court should not convert itself into a fact finding committee or an enquiry Commission more so when separate remedies are available in this regard. Even the Registry of this Court is aware of such allegations because a judicial order in this regard was passed on 26.07.2019. It is for all the aggrieved persons to take up the matter separately and this Court does not intend to proceed further for other action in this writ petition. Whether the allegations of taking money illegally were concocted or genuine is a subject matter of inquiry for which there are separate procedure. Certainly, the writ jurisdiction under Article 226 of the Constitution of India should not be extended that far when there are specifically provisions in this regard.

9. The present petition stands disposed of. All pending miscellaneous applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.08.2023
Jyoti-II

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