

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

215

**CRWP-8334-2022 (O&M)
Decided on : 12.01.2023**

Bhulla Singh

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Avtar Singh Bhatti, Advocate
for the petitioner(s).

Mr. Anmol Singh Sandhu, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Order dated 30.08.2022 passed by the co-ordinate Bench of this

Court says as under:

“This is a Criminal Writ Petition filed under Articles 226/227 of the Constitution of India for the issuance of writ in the nature of habeas corpus, for release of detenu Balwinder Singh @ Sabi, nephew of the petitioner who is under unlawful custody of respondents No. 3 to 5 with a further prayer to appoint Warrant Officer.

Learned counsel for the petitioner has submitted that although in the FIR No. 217 dated 24.08.2022 registered under Section 498-A, police Station Tanda, District Hoshiarpur, the detenu, named in the head note of the petition, is an accused, but he has not been formally attested till date neither his arrest has not been shown in the official record nor he has been produced before the Illaqa Magistrate and he has been in illegal custody since 24.08.2022. It has been submitted that life of the said detenu is also in danger.

Notice of motion for 22.09.2022.

In the meanwhile, the Registry is directed to appoint a Warrant Officer today itself, who will visit the

place of detention of the detenue or any other place which may be pointed out by the petitioner. In case, the Warrant Officer finds the detenue, then the Warrant Officer would see as to whether the said detention is in illegal custody or not. In case, the Warrant officer finds that the detenue is in illegal custody, then, he will get the said detenue released. For the Said purpose, the Warrant Officer, if deems necessary, can also take the assistance from respondent No. 2-Senior Superintendent of Police, Hoshiarpur, and respondent No. 2 is directed to provide full assistance to the Warrant Officer in case he approaches them.

The remuneration of the Warrant Officer shall be borne by the petitioner as per the norms.

The Warrant Officer would submit his report on or before the next date of hearing.”

Today, report of warrant officer dated 31.08.2022 has been submitted in the Court and same is opened from the seal cover and perused and same is taken on record. Registry is directed to tag the same appropriate place.

Relevant part of the said report says as under:

“In the meantime, I alongwith Petitioner and his relatives searched the said Police Station but Detenue Balwinder Singh @ Sabi, was not found in the Police Station Tanda District Hoshiarpur. I asked Respondent No.3, SHO, Police Station Tanda whether he has detained Balwinder Singh @Sabi, nephew of the petitioner, he denied the allegation made by the petitioner and told that the said detenue was brought to police station by the police party from time to time for investigation in case FIR No. 217 dated 24.08.2022 registered Under Section 498A IPC, Police Station Tanda, District Hoshiarpur. The copy of the FIR No. 217

dated 24.08.20022 Under Section 498A IPC which is in Punjabi script is enclosed herewith as Annexure "A".

After some time Petitioner himself intimated to me that the said detenue was standing at the front gate of the Police Station. Then I reached there and took the detenue Balwinder Singh @ Sabi inside Police Station Tanda. I asked him why he had been illegally detained by the Police, but he told that the police team took me from my house for investigation in case FIR No. 217 dated 24.08.2022 and that at that time he had come from the market after taking dinner. Detenue- Balwinder Singh @ Sabi has given his statement in Punjabi Script in the presence of Police party. The copy of the said statement is enclosed wherewith as Annexure "B".

It is further stated that as per records and Roznamcha as maintained by the Police Station Tanda, District Hoshiarpur, detenue namely Balwinder Singh @ Sabi has not been arrested till date neither his arrest has been shown in the official record and nor he has been produced before the Learned Illaqa Magistrate concerned. I asked the SHO whether any other offence under the IPC have been added by him after registering the said FIR but he denied. After that Detenue Balwinder Singh joined the company of petitioner and his relatives and they left the Police Station Tanda at 11.55 P.M for their residence.

D.D. No. 003 dated 30.08.2022 has been registered by the Police Officials at Police Station Tanda District Hoshiarpur regarding searching procedure of the detenue and statements. The copy of the same is annexed herewith as Annexure "C".

Therefore, it is reported that detenue, namely Balwinder Singh @ Sabi has been released from the Police Station, Tanda District Hoshiarpur and after that he has joined the company of petitioner and relatives.

Service Report

*Notice of Respondent Nos 2 to 5 have been received
by Amardeep Singh, ASI, Police Station Tanda at 11.30
P.M.*

Submitted for kind perusal please.”

In view of the above, learned counsel for the petitioner submits
that present petition be disposed of, having become infructuous.

Present petition stands disposed of being rendered infructuous.

(SANJAY VASHISTH)
JUDGE

12.01.2023

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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>