

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRWP-9147-2022 (O&M)

Decided on :12.04.2023

Kavita Rani

. . . Petitioner(s)

Versus

Union of India and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Ayna Vasudeva, Advocate for the petitioner.

Mr. Sourabh Goel, Sr. Standing Counsel for UOI
for respondents No. 1, 6 to 8.

Mr. J. S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Petitioner- Kavita Rani, aged 45 years, has filed the instant writ petition for issuance of writ in the nature of habeas corpus for releasing the detenue -Ram, who is husband of petitioner.

Counsel for the petitioner submits that without registration of any case against the petitioner and without seeking any appropriate sanction from the appropriate authority, petitioner was forcibly taken away from his residential house and brutally beaten up. Counsel for the petitioner refers to the warrant officer's report dated 23.09.2022, which is also the part of the order dated 16.01.2023.

Said order dated 16.01.2023, says as under:-

“In compliance to the order dated 20.09.2022, report dated 23.09.2022, prepared by the Warrant Officer, available on record in the sealed cover. Same has been opened in Court during proceedings of the hearing of the case. Relevant extracted part of the said report, says as under:-

“xx xxx xx xxx

On asking by the undersigned alleged

detenue – Ram told that he has been brought here in the morning from his home at about 6.30/6.45 in the morning and is being asked about the whereabouts of one Yashpal whom he does not knows. He further alleged that he has been given beatings, to which he lowered his bermuda (Nikker) he was wearing and showed the marks of thrashing he was given on his back. Photograph of which was taken by the undersigned and is attached with this report.

Undersigned asked Dy. Commissioner – Basant Kumar about the same to which he refused stating that these signs must be some old ones as he has not been given any beatings.

Further, he informed that the alleged detenue – Ram has been served with the Summons under Section 70 of Central Goods and Services Tax Act, 2017, duly received by alleged detenue bearing his signatures dated 20.9.2022, the copy of the same was provided to the undersigned which is attached with this report. He also provided the copy of Panchnama stating that house of the alleged detenue has been searched and some incriminating documents and electronic devices have been found from his house for which he is here and joined the Inquiry/tendering statement.

On further asking by the undersigned whether alleged detenue has tendered statement/inquiry is over Dy. Commissioner - Basant Kumar said it is still going on and alleged detenue is required.

In the meantime, came the Commissioner

GST – Varinder Kaur she asked the undersigned whether copy of summon, Panchnama has been handed over by her office to which I replied in affirmative and she further told that inquiry is still going on.

Thereafter, undersigned along with the petitioner and his known left the premises of office of Commissionerate, GST Bhawan, Rishi Nagar, Ludhiana.

Sd/-23.9.22

(Manoj Kashyap)

Warrant Officer”

Registry is directed to tag the aforesaid status report along with case file at appropriate place.

Counsel appearing for the petitioner seeks some time to go through the said report, and address arguments.

Adjourned to 13.03.2023. ”

On the other hand, Mr. Sourabh Goel, Sr. Standing counsel for respondents No. 1, 6 to 8 submits that detinue is now an accused in complaint No. 92015/2022 and application seeking regular bail is pending before the co-ordinate Bench of this Court. Therefore, on account of being an accused in criminal case, no direction as sought by the petitioner for taking legal action against respondents in pursuance to the Warrant officer's report, can be issued. Although, Counsel appearing for respondents No. 1, 6 to 8 does not dispute the fact that it would be open for the petitioner or the detinue to file a separate petition and to avail appropriate remedy available to her/him in accordance with law.

before the co-ordinate Bench of this Court in criminal complaint No.92015/2022, nothing can be observed on the oral prayer, which is now addressed by the petitioner, regarding quashing of the proceedings as the same are claimed to be illegal.

However, it is made clear that petitioner would be at liberty to seek appropriate remedy, as available to her/his under the law for redressal of her/his grievances for the cause arising subsequent to the filing of the present petition.

With aforementioned observation, present petition **stands disposed of.**

(SANJAY VASHISTH)
JUDGE

12.04.2023

Riya

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