

CRWP No.10071 of 2023

2023:PHHC:137065

117 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP No.10071 of 2023

Date of Decision: 20.10.2023

Mohammad Nadeem

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Neeraj Jain, Advocate  
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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ANOOP CHITKARA, J.

Seeking release of the alleged detenu, the petitioner has come up before this Court under Article 226 of the Constitution of India.

2. In compliance to the order dated 10.10.2023, report of Warrant Officer has been received, which is taken on record. Copy of the same has been handed over to counsel for the State as well as to counsel for the petitioner.

3. Perusal of the above said report, shows that the Warrant officer was not able to trace the detenue.

4. The allegations regarding illegal detention are stated in paragraphs no. 4 & 5 of the petition and prima facie, point towards some restrain. Given above, considering the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Sub Divisional Magistrate, either on its own or through a warrant officer or any other officer authorized by the DM/SDM, visit the place of detention and, if the persons are found to be in illegal custody, ensure their immediate release, subject to verification, that there are no malafide intentions and the custody is bonafide, apart from other aspects which would require consideration. If such an officer needs police assistance, the SHO of the concerned police station(s) shall provide it.

5. This petition is closed with the directions mentioned above, which are to be complied with on a priority. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not

come in the way if the interrogation of the alleged detenu is required in any cognizable case. It shall also be open for the petitioner to approach this Court again for any surviving or consequent grievances.

6. *There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.*

**Petition is disposed of to the extent mentioned above.** Liberty reserved to the petitioner to approach this Court again, in case need arises. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)  
JUDGE

20.10.2023  
anju rani

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