

2023:PHHC:163365

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

CRWP-10990-2023
Date of Decision : December 18, 2023

Prabhjot Singh

.....Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ripudaman Singh Sidhu, Advocate
 for the petitioners.

Ms. Ramta K. Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

Prayer under Article 226 of the Constitution of India is for the issuance of a writ in the nature of Habeas Corpus for the appointment of a Warrant Officer to search for the detainee, namely, Sarabjit Kaur wife of Palwinder Singh.

On 08.11.2023, the following order was passed :-

“This is a Criminal Writ Petition under Article 226 of the Constitution of India seeking issuance of writ in the nature of Habeas Corpus for the release of detainee namely, Sarabjit Kaur wife of Palwinder Singh son of Gurmit Singh who are stated to be in illegal detention of respondent No.3.

Notice of motion for 15.11.2023.

Meanwhile, the Registry is directed to appoint a Warrant Officer who shall search for the whereabouts

CRWP-10990-2023

-2-

of the alleged detainee at the address mentioned in the petition or any other place as may be indicated by the petitioner, and, if, the alleged detainee is found to be in illegal custody of respondent No.3, she be got released forthwith. The fee of the Warrant Officer shall be determined by the Registry, as per Rules to be borne by the petitioner.

The report of the Warrant Officer be also placed on record before the next date of hearing.”

In pursuant to the aforementioned order, the Warrant Officer proceeded to the spot. As per his report dated 14.11.2023, the petitioner was allegedly released before he could reach to the Police Station. However, during the course of enquiry, Sarabjit Kaur, the alleged detainee, stated that she was kept in illegal detention.

The learned counsel for the petitioner, on the other hand, submits that as per the averments in the petition, the detainee had been picked up from the house and in order to destroy evidence, CCTV camera/DVR were taken away. Therefore, he prays that appropriate compensation be given to the petitioner.

The learned State counsel has filed the reply dated 18.12.2023.

While referring to the reply, she contends that the alleged detainee Sarabjit Kaur was produced before the Warrant Officer by the petitioner and her family members. There were multiple cases pending against the family members of the alleged detainee. However, it is

specifically denied that the lady was in illegal detention of the Investigating Agency. In fact, it is stated that the instant petition has been filed to put pressure on the police officials.

As per the prayer made in the writ petition, the appointment of a Warrant Officer was sought, who on being appointed, reached Amritsar and found that Sarabjit Kaur wife of Palwinder Singh was not in the illegal detention.

In view of the above mentioned facts, no further orders are required to be passed.

Disposed of.

The petitioner is at liberty to avail his alternative remedies, in accordance with law.

December 18, 2023
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO