

2024:PHHC:007223

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

235

CRWP-291-2024

Date of Decision : **January 19, 2024**

MANPREET KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Bhupinder Ghai, Advocate for the petitioner.
Mr. M.S.Joshi, Addl. AG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, prayer is made for issuance of a roving writ in the nature of Habeas Corpus, by appointing a Warrant Officer to search the detinue, Harbhajan Singh, who is the father of the present petitioner, and has been immured by respondents No. 3 to 5.

2. On 10.1.2024, the following order was passed:-

“The present petition has been filed seeking a writ in the nature of Habeas Corpus for release of detinue, namely Harbhajan Singh, father of the petitioner, from the illegal custody of official respondents no.3 to 5.

The learned counsel for the petitioner while referring to contents of the petition has stated that the aforesaid official respondents have been harassing the alleged detinue and now from 10.01.2024 detinue is in illegal custody of official respondents No.3 to 5, at Police Station Rawalpindi, District Kapurthala.

Notice of motion for 19.01.2024.

In the meantime, the Registry is directed to appoint Warrant Officer, who shall search for the detinue at the address of official respondents No.3 to 5 as mentioned in

the present petition or at any other place as pointed out by the petitioner and in case, the detinue is found to be in the illegal custody of respondent No.3 to 5, he be got released. The fee of the Warrant Officer shall be determined by the Registry as per the relevant Rules and the same shall be borne by the petitioner.

Report of the Warrant Officer be awaited for the date fixed.”

3. The report dated 12.1.2024 (wrongly mentioned as '12.1.2023') of the Warrant Officer received in a sealed cover. The same is opened and taken on record. A perusal of the report (supra) reveals that the alleged detinue was not detained by the police officials, rather the alleged detinue i.e. Harbhajan Singh alongwith Gurcharan Singh and Manjeet Kaur wife of Harbhajan Singh was found present at the residence of Harpreet Singh son of Gurdial Singh in village Bohani, under the jurisdiction of Police Station, Rawalpindi, Phagwara. All of them were got freed by the SHO concerned.

4. From the report (supra), it is revealed that the allegation that the father of the present petitioner has been illegally detained is found to be incorrect and false, therefore, no further action is required, as the alleged detinue has been found at the residence of aforesaid Harpreet Singh. The instant petition is, accordingly, dismissed as having rendered infructuous.

(KULDEEP TIWARI)
JUDGE

January 19, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No