

2024:PHHC:006398

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-487-2024 (O&M)
Date of Decision:-18.1.2024

Pawanesh Kumar ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurinder Singh, Advocate for the petitioner.

Mr. C.L. Pawar, Addl.A.G., Punjab,
assisted by Ms. Amarjot Kaur Sandhu,
I/C Cyber Crime, Mohali.

GURVINDER SINGH GILL, J. (Oral)

1. Pursuant to order dated 16.1.2024, the Warrant Officer has filed its report, which is taken on record. The said report reads as under:

“In compliance with the order dated 16.01.2024 passed by Hon'ble Mr. Justice Gurvinder Singh Gill, undersigned was appointed as Warrant Officer in the above noted case on 16.01.2024.

I left Chandigarh at 5.10 P.M. on 16.01.2024 along with the Petitioner and reached State Cyber Crime Office, Phase IV, Mohali at 05.45 P.M. Official present there verbally told me that SHO Amanjot Kaur is posted in District Cyber Crime Office situated at 3rd floor of the SSP Office. At 06.10 P.M., I reached there but the office of the District Cyber Crime was closed at that time. Then the Petitioner requested to conduct the raid for search of the detainee at Police Station Sohana. Accordingly we reached Police Station Sohana at 06.20 P.M. Constable Lady Constable Pawanpreet Kaur and Duty Officer ASI Bhag Singh

met there and after disclosing my identity and purpose of visit I along with petitioner search the alleged detainee Sunita Kumari and found her in the lock up room. On my asking, Duty Officer Bhag Singh called SHO Amanjot Kaur and SHO Jaskamal Singh Shekhon and they reached the Police Station within 25/30 minutes. SHO Amanjot Kaur told me that Sunita Kumari has been arrested in FIR No. 9 dated 10.01.2024 under Section 420/120-B IPC and Section 66 of IT Act (Annexure R-1) vide Arrest GD No. 12 dated 15.01.2024 at 10.02 A.M. (Annexure R-2). Arrest Memo is at Annexure R-3. SHO further told me that Sunita Kumari was produced before the court on 15.01.2024 and Hon'ble Court was pleased to grant 3 days police remand and she will be produced before the Court on 18.01.2024. Copy of remand application is at Annexure R-4. SHO further told me mother of Sunita Kumari has also been telephonically informed about her arrest.

After making necessary G.D. entry No. 35 dated 16.01.2024 (Annexure R- 5), I return back at 07.35 P.M.

Report is submitted for kind perusal of His Lordship please.

Dated: 17.01.2024

Sd/-
(Ajay Kumar)
Warrant Officer”

2. A perusal of the aforesaid report would indicate that the alleged detainee namely Sunita Kumari was formally arrested on 15.1.2024 at 10:02 a.m.
3. Learned State counsel has informed that as a matter of fact the alleged detainee came to be nominated as an accused pursuant to a disclosure statement made by her husband namely Vijay Raj Kapuria on 14.1.2024.
4. In view of the aforestated position, this Court without commenting anything on the present case, finds that the instant Habeas Corpus petition has been rendered infructuous and is disposed off as such.
5. Needless to mention, the petitioner or the alleged detainee may have recourse to any other appropriate remedy as may be available in case it is found that

there has been any violation of law or in case have any other grievances against the police officials.

18.1.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No