

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1225-2024
DECIDED ON: 14.02.2024

SUMIT KUMAR
VERSUS
STATE OF PUNJAB AND OTHERS
.....PETITIONER
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Rajesh Bhateja, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Articles 226/227 of the Constitution of India has been invoked for issuance of a writ in the nature of Habeas Corpus for appointment of Warrant Officer for the release of the alleged detainee namely Hasin @ Pooja (wife of the petitioner), who is stated to be in illegal confinement of respondents No.5 to 13.
2. Vide order dated 07.02.2024, a report of the Warrant Officer was called for and in compliance thereof, report of the Warrant Officer has been received, which is taken on record. Relevant extract of the report reads as under:-

“I left Chandigarh at around 12:10 AM and reached Derabassi, Punjab at 12:40 AM along with the mother of the petitioner and left Derabassi, Pb at around 01:00 AM and go to Muzaffarnagar and reached there at Police Station Chharthawal, District Muzaffarnagar, UP at around 06:00 PM and disclosed my identity and purpose of the visit. I met Munshi namely Rahul and orders of the Hon'ble High Court of Punjab and Haryana and he say that Inspector incharge SHO namely Jabir Singh who is not in the police station and has gone for the local raid. After waiting for the two hours in the police station SHO has come. I disclosed my identity to him and SHO asked to the Chowki Incharge Dera khurd namely Onkar Nath Pandey to search the house of the respondent No. 5 to 13. After some time around 10:15 PM Onkar

nath Pandey contact with SHO Jasbir Singh and plan to conduct raid on the house of respondent no. 05 to 13 and wife of the Petitioner namely Hasin @ Puja. I reached there at the house of respondent no. 05 to 13 along with 5-6 constables and a lady constable namely Jyoti. I met the wife of the petitioner namely Hasin @ Puja and she was interested to give statement but respondent no. 05- 13 created hurdle for giving the statement. In the meantime an argument took place among respondent no. 5-13 and with police team including chowki incharge Onkar Nath Pandey. Pardhaan of the village asked to come to his house for taking statement. Wife of the petitioner namely Hasin @ Puja given statement that she want to go with the petitioner i.e. her husband. Copy of the statement is at Annexure-A. After taking statement of the Hasin @ Puja we reached police station Chatarawal, Distt Muzaffarnagar, UP for completing formalities and at around 12:40 am I left the police station along with the petitioner, his wife and mother. Copy of entry at Police station is at Annexure- B. At around 04:45 AM we reached Mubarikpur, Derabassi, Punjab and left petitioner, his wife and mother there following which I left for Chandigarh and reached there 05:15 AM on 09.02.2024.”

3. From the perusal of the afore-said report, it is crystal clear that the alleged detainee namely Hasin @ Pooja is willing to accompany the petitioner and statement of the alleged detainee to that effect has also been recorded by the Warrant Officer, which is annexed with report as Annexure-A. Accordingly, the alleged detainee was allowed to join the company of the petitioner and left for Mubarikpur, Derabassi, Punjab.

4. In view of above, nothing survives in the present petition, as such the same is disposed off, as having been rendered infructuous.

(SANDEEP MOUDGIL)
JUDGE

14.02.2024
Sham

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No