

121 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-2972-2024

Date of Decision: 23.04.2024

Sulinder Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: None for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

HARSH BUNGER J. (ORAL)

1. Petitioner (Sulinder Kumar) has filed the present petition under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus and appointment of a warrant officer to search the detenues, namely Navin Kumar (minor) son of Sulinder Kumar, Baljit Kumar son of Chander Pal, Daljit Kumar son of Chander Pal (relatives of petitioner) from the illegal custody of respondent No.4.

2. A perusal of order sheets would reveal that on 03.04.2024, the following order was passed by a co-ordinate Bench of this Court:-

“The petitioner has approached this Court seeking issuance of a writ in the nature of Habeas Corpus so as to get the alleged detenues, namely, Navin Kumar (minor son of the petitioner), Baljit Kumar and Daljit Kumar (relatives of the petitioner), released from the illegal custody of respondent No.4.

In view of the aforestated assertion, a Warrant Officer is hereby ordered to be appointed at the expense of the petitioner, to raid the premises of respondents No.4 or any other place pointed by the petitioner and in case the aforesaid detenues are found to be illegally detained by respondent No.4,

they be set free immediately.

A report be submitted in this regard on the next date of hearing i.e. 09.04.2024.”

3. In pursuance of the aforesaid order, report dated 04.04.2024 of the Warrant Officer has already been received, as reflected in order dated 09.04.2024. Relevant extract of report dated 04.04.2024 reads as under:-

“In compliance with the orders dated 03.04.2024, passed by Hon’ble Mr. Justice Gurvinder Singh Gill, the undersigned was appointed as Warrant Officer in the above said case on 03.04.2024.

*As desired by the Advocate concerned Mr. Khalid Tauru, the undersigned along with Sh. Kuldeep Singh (relative of the petitioner) reached at Phagwara near Lovely Professional University at about 08:00 PM. At that time Sh. Kuldeep Singh stated that he is going to bring the petitioner Sh. Sulinder Singh and as such he left the spot. After waiting till 09:30 PM, neither Sh. Sulinder Singh returned nor Sh. Kuldeep Singh arrived. Thereafter the matter was discussed telephonically with Mr. Khalid Tauru, Advocate and he has suggested the undersigned to conduct raid at Police Station Sadar Phagwara. The undersigned reached the Police Station Sadar Phagwara at around 10:25 PM. Sh. Binder Kumar, ASI Duty Officer and Sh. Amritpal Singh, Night Munshi were present in the police station. I apprised them about the purpose of my visit and searched the premises of the Police Station but the alleged detenues namely Sh. Navin Kumar, Sh. Baljit Kumar and Sh. Daljit Kumar were not found. The Duty Officer and night munshi intimated that neither the alleged detenues were arrested nor any complaint is registered against them in the Police Station. DDR No.27 dated 03.04.2024 has been registered in this regard on the computer (**Annexure R1**). Thereafter the said Advocate requested the undersigned to visit and search Police Station Satnampura, Phagwara. The undersigned reached the Police Station, Phagwara at around 11:40 PM dated 03.04.2024 and searched the premises of the*

*said police station but the alleged detenues were not found there. Sh. Gaurav Dhir, Inspector and Sh. Varinder Singh, Constable were present in the police station. Sh. Gaurav Dhir, Inspector informed that Sh. Daljit Kumar has been arrested on 03.04.2024 morning against FIR No.45 dated 02.04.2024 u/s 379 of IPC along with stolen scooters (**Annexure R2**) and DDR No.13 dated 03.04.2024 was registered (**Annexure R3**). As Sh. Daljit Singh is minor he was produced before Juvenile Court Kapurthala and in compliance of the orders passed by the Juvenile Court, Sh. Daljit Singh was sent to Observatory Homes, Hoshiarpur after making DDR No.27 dated 03.04.2024 (**Annexure R4**). Sh. Daljit Kumar has confessed that Sh. Navin Kumar was also involved with him in the matter of stolen scooters. Sh. Gaurav Dhir, Inspector informed that till date nothing has been registered against Sh. Daljit Kumar neither he is required in any case. Thereafter in this regard DDR No.3 dated 04.04.2024 has been registered (**Annexure R5**) wherein the computer operator has wrongly mentioned the case number as CRWP No.2903 of 2024 instead of CRWP-2972 of 2024. Thereafter, the undersigned proceeded back to Chandigarh.”*

4. Today, there is no representation on behalf of the petitioner. It appears that the petitioner is not interested in pursuing the instant matter any further.

5. Keeping in view the aforesaid facts and circumstances, no further orders are required to be passed in the present petition and the same is accordingly disposed of.

6. All pending application(s), if any, shall also stand closed.

23.04.2024

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No