

2024:PHHC:083490



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

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CWP-10011-2024

Date of decision: 05.07.2024

SHRI GYANI RAM

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Vicky Sharma, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed for seeking quashing of impugned order dated 15.12.2023 (Annexure P-1) vide which the respondent No.2 ordered to detain the petitioner under provisions of Prevention of Illicit traffic in NDPS Act, 1988 and a further prayer to direct the respondents to release the petitioner immediately from their custody.

Reply by way of affidavit of Ashok Kumar, Superintendent Jail, District Jail, Kaithal on behalf of respondents No.1, 2 and 5 as well as Short reply by way of an affidavit of Kuldeep Singh HPS, Deputy Superintendent of Police, Guhla on behalf of respondents No. 3 and 4 have been filed in the Court

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today which are taken on record. A copy of the same has been handed over to the Counsel appearing on behalf of the petitioner.

Learned Counsel appearing on behalf of the petitioner points out that the controversy in the present case is covered by the ratio of the judgment titled as ***“Sadha Ram @ Bhajna Ram versus State of Haryana and others”*** passed in CWP-22223-2023 dated 02.07.2024.

Taking into consideration the averments contained in the present writ petition as also ratio of the said judgment, it is evident that the last of the instances for which the petitioner had been charged relates to 08.02.2022. The process for preventive detention had been initiated on 30.10.2023 i.e. after a lapse of more than 01 year and 08 months. Hence, the bar of preventive detention has been invoked for stale course. The present writ petition deserves to be allowed in view of the judgment dated 02.07.2024 passed in CWP-22223-2023 titled as ***“Sadha Ram @ Bhajna Ram versus State of Haryana and others”***.

In view of the above, the present writ petition is allowed in terms of ***Sadha Ram @ Bhajna Ram*** (Supra) and impugned order dated 15.12.2023 stands set aside.

(VINOD S. BHARDWAJ)**JUDGE****JULY 05, 2024***Vishal Sharma*

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No