

CRWP No.4453 of 2024
136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.4453 of 2024
Date of Decision: 14.05.2024

Lakhvir Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.K. Bokolia, Advocate for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

Seeking release of the alleged detenu, the petitioner has come up before this Court under Article 226 of the Constitution of India.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.
3. After arguing at length and facing the strict opposition from the State Counsel, counsel for the petitioner submits that he would be contended and satisfied if concerned Magistrate is directed to set the detenue free along with truck.
4. Given the submission of counsel for the petitioner, the allegations regarding illegal detention which are stated in paragraphs no. 4 to 12 of the petition prima facie, point towards some restrain. Given above, considering the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Sub Divisional Magistrate, either on his own or through a warrant officer or any other officer authorized by the DM/SDM, visit the place of detention and, if the person is found to be in illegal custody, ensure his immediate release along with article if any relates to him, including any vehicle which is not involved/required in any case, subject to verification, that there are no malafide intentions and the custody is bonafide, apart from other aspects which would require consideration. Since the petitioner is stated to be in illegal custody of official respondent(s), as such, no protection for Warrant Officer is required.

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5. This petition is closed with the directions mentioned above, which are to be complied with on a priority. It is clarified that there is no adjudication on merits and that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way of the interrogation of the alleged detenu, if he is required in any cognizable case. It shall also be open for the petitioner to approach this Court again for any surviving or consequent grievances.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other relevant particulars from the official web page of this court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for immediate use.

Petition is disposed of to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

14.05.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.