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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-8380-2024
DATE OF DECISION: 04.09.2024

SONU GUPTA

...PETITIONER

Versus

STATE OF PUNJAB AND ORS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saurabh Ghumbal, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. Rajiv Anand, Addl. PP, UT Chandigarh.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 226 of the Constitution of India has been invoked for issuance of writ in the nature of Habeas Corpus for the appointment of a Warrant Officer for the release of the detenue namely Manoj Gupta s/o Sh. Om Parkash, who is stated to be in illegal confinement of Punjab Police and Chandigarh Police.

On the last date of hearing, a Warrant officer was appointed and was directed to file a report. In compliance to that order, the report of the Warrant Officer has been produced and the same is taken on record. Copy of the same has been supplied to the counsel for the petitioner which read as under :-

'I was nominated as Warrant Officer in the instant matter on 29.8.2024. Undersigned, as desired by the petitioner, his known/relatives and counsel moved for Police Station, Sector.11, Chandigarh. On reaching there we met Duty Officer

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ASI-Barinder Singh, at about 6.00 p.m., after giving introduction and purpose of visit undersigned asked for police assistance so that order of Hon'ble Court could be complied with. He told us that we will get two police officials at Police Beat box at Khuda Ali Sher. Therefore, we left for village Khuda Ali Sher and after reaching there we waited for police officials at beat box and about after half an hour police officials reached there. Then, along with them we moved towards the house of respondent no.9 -Suraj Sharma, on reaching there the door bell was rung, in the meantime came two male members downstairs and after giving introduction undersigned asked them about respondent no.9 i.e. Suraj Sharma, one of them introduced himself as Balwinder Singh and claimed to be the owner of the house and on asking said that no such person lives there nor was ever his house rented to such person. Thereafter, the mobile number of Suraj Sharma was provided by one of the known/relatives of the petitioner, the number was rung by one of the police officials to which Suraj Sharma responded and said that at present he is living at house no.875, Kumaon Colony, Naya Gaon. Thereafter, we left the place and moved towards Police Station Naya Gaon, on reaching there we met Munshi-Head Constable Pardeep Kumar after giving introduction asked to provide police assistance, thereafter, he asked to wait for sometime saying that he will arrange for PCR party who is well aware of the area, locations and house numbers of Naya Gaon. Then, came ASI-Nirbhai Singh and Constable kamaljit Singh on motorcycle and we followed them and moved for Kumaon colony, Naya Gaon. On reaching there again Suraj Sharma was contacted telephonically by police officials for asking his gali number so that his house could be located, and thereafter we reached there. On entering his house and asking about the alleged detenue-Manoj Gupta, Suraj Sharma showed ignorance,

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however his house was searched but alleged detenue was not found. Thereafter, as desired by the petitioner that the residence of respondent no.7 be searched who is resident of Dhakoli, Teh. Derabassi, we moved for Police Station Dhakoli, on reaching there we met head constable on munshi duty and after giving introduction asked him to call Duty officer, he introduced us to ASI -Mewa Singh after giving introduction we asked for police assistance thereafter, ASI-Mewa Singh along with H.C.-Vinod Kumar we moved for residence of respondent no.7 namely Gurjeet kaur wife of Surmukh Singh Dhaliwal resident of Regalia Tower, Dhakoli. On reaching there as we were moving inside the society came the President of the society along with a male member, after giving introduction and purpose of visit undersigned along with the petitioner his known/relative, his counsel moved for flat no.511, Block.C, as we reached fifth floor the house no.511 was locked, one of the known of the petitioner told that the mother of respondent no.7, lives in house no.114 and desired that her house be searched in the meantime. We went to the house of her mother and knocked the door. An old lady opened the house after giving introduction and asking about her daughter-Gurjeet kaur, she said that her daughter might be at her job. Her house was searched but the alleged detenue Manoj Gupta was not found. Then, we moved upstairs to search the house no.511 of respondent no.7. i.e. Gurjeet kaur, as we reached fifth floor, came Gurjeet Kaur after giving introduction she was asked about the alleged detenue to which she showed ignorance and opened the house and then the house was searched but alleged detenue was not found. However, on asking again she told that she has not been in touch with the alleged detenue for the last four/five months and she does not knows the whereabouts of alleged detenue. Thereafter, the petitioner vehemently said that she knows the whereabouts of

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alleged detainee but she is not telling the truth. In the meantime, the name of the alleged detainee-Manoj Gupta was being shouted loudly by the known/relative of the petitioner and we heard a sound(hmmm) appearing to be responding to the shouts. Then ASI, Contable and undersigned along with petitioner and President moved in the direction of the sound i.e. upper floor of the apartment, as we moved upstairs, we saw a man lying on the stairs(with his hands tied at his back, his legs were tied, and his mouth was tied with a cloth), before the locked iron door leading to the roof of the apartment. ASI- Mewa Singh touched the fellow shouting his name to which he responded, his tied hands and legs were cut opened by him, given water to drink and then asked him if he can walk and took him down. Then, we moved for police station, on reaching there the alleged detainee was given water to drink and on seeing that he was recognising things and able to give statement the same was recorded by ASI-Mewa Singh, which is in punjabi, signed by alleged detainee-Manoj Gupta and photo copy of the same is annexed with this report, as the original was kept by ASI-Mewa Singh stating that the same has to be kept by him for further police proceedings. The crux of the statement of alleged detainee-Manoj Gupta is that he has rented flat no.511, Block.C, Regalia Tower to respondent no.7 -Gurjeet Kaur on a rent agreement, and in the meantime he developed relations with Gurjeet Kaur who told him that she was widow and later on he came to know that her husband is live + and involved in illegal activities, he started to ignore her then she started black mailing and threatening him, his father. On the said fateful day he was kidnapped at 4.00 A.M., Gurjeet Kaur came with two others and kidnapped him from nearby his residence at Baltana and later on does not remember anything. On asking he told that he wants to go with his brother namely Sonu Gupta, he was handed over to



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his brother which has been got recorded on statement of the alleged detainee. Thereafter, we left the Police Station Dhakoli premises.

As per Warrant Officer’s report, the alleged detainee namely Manoj Gupta son of Om Parkash has been found at the premises of the respondent No.7-Gurjeet Kaur w/o Surmukh Singh Dhaliwal, R/o Flat No. 511, Block-C, Regalia Tower, Dakoli, Tehsil Dera Bassi, Mohali and he has been released and is accompanied by his brother who is petitioner in the present case.

Learned counsel for the petitioner submits that the alleged detainee is now living safely and is hale and hearty, therefore, does not wish to press this petition since the cause of action invoked in the present case stands addressed. However, he seeks liberty to initiate legal action against respondent No.4 and others whosoever found guilty.

In light of the above, the present petition stands rendered infructuous, hence, the same is accordingly disposed of with liberty as prayed by counsel for the petitioner.

(SANDEEP MOUDGIL)
JUDGE

04.09.2024
anuradha

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