

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-9733-2023
DECIDED ON:01.03.2024

AMI CHAND
STATE OF HARYANA AND OTHERS

.....PETITIONER

VERSUS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

Mr. G.S. Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus to trace out the alleged detainee namely Uttam Chand aged about 24 years, brother of the petitioner, who is stated to be illegally confinement of respondents No.2 and 3.
2. Vide order dated 09.02.2024 the respondent-State was asked to file a detailed status report with regard to the FIRs in which the petitioner is involved and in pursuance thereof, a status report dated 26.02.2024 by way of an affidavit of Rajnish Kumar, HPS, Assistant Commissioner of Police, Panchkula has been filed.
- The relevant extract of the status report reads as under:-

“1. That the brief facts of the present case are that on 27.09.2023 some unknown persons entered the house of the petitioner at around 6:00 Am in the morning and claimed themselves as police officials but were not in their uniforms and Were there with regard to some investigation in a case. Thereafter, these unknown persons misbehaved with the petitioner and his family members and gave them beatings. When nothing was left to be found these unknown persons took the cousin of the petitioner namely Vijay in their custody on pretext of reaching out to the brother of the petitioner Uttam Chand who works

as a security guard at HDFC Bank, Baddi, Himachal Pradesh. The Cousin of the petitioner took these unknown persons to the place where Uttam Chand works and thereafter these persons released Vijay and took Uttam Chand in their custody. The petitioner and his family members rushed to various police stations to find out where Uttam Chand had been confined but instead they were informed that no police raid was ever conducted at their place and the Police has no role to play in it. The petitioner still not ready to accept the fact that the police have no role to play in the missing of his brother Uttam Chand and approached this Hon'ble court by filing the Present writ Petition.

2. That it is pertinent to mention here that the Respondent No. 2 & 3 have no role to play in the present case since no complaint or FIR was registered with them. Also, no instruction with regard to arrest of the detenue Uttam Chand or raiding the House of the petitioner was ever received by the Respondents.

3. That with regard to the said incident and an inquiry was made by the police officials of Police Station Kalka, wherein it was found that the Detenue/Uttam Chand is a wanted criminal in 6 FIRs and was in fact arrested by the Police officials of Ismailabad Police Station, Kurukshetra. It is worthwhile to mention here that the Detenue is at present confined at District Prison Kurukshetra.

4. That on 09.02.2024 this Hon'ble Court Directed the Respondents to file a detailed Status report with regard to involvement of Detenue in various FIRs. The detenue is involved in total 25 FIRs and the details of the same are annexed herewith as ANNEXURE R-1."

3. In view of above, this Court is convinced that nothing survives in the present petition, hence, the same is disposed off, as having been rendered infructuous.

01.03.2024
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(SANDEEP MOUDGIL)
JUDGE

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