

2024:PHHC:134558



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

Sr. No.248**CRWP-9248-2024 (O&M)****Date of decision : 15.10.2024**

Rajesh Kumar

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Rajender Kumar, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. By way of the instant petition, the petitioner has approached this Court under Article of the Constitution of India praying for issuance of writ in the nature of Habeas Corpus to release the detenue from the illegal custody of respondent No.3.

2. Learned counsel for the petitioner submits that detenue Rakesh Kumar was illegally detained on 19.09.2023 by respondent No.3 and no formal arrest was shown and the accused was not produced before the learned Magistrate concerned in compliance of mandatory provisions of BNSS, 2023. The detenue was kept in illegal custody for the reasons best known to them.

3. In compliance of order dated 23.09.2024, status report has been filed by the learned State counsel in Court today. The same is taken on record. It is stated in the status report that during investigation, in FIR No.0043 dated 19.04.2024, registered under Sections 376, 323 & 506 IPC at Police Station Lalru, District SAS Nagar, it was revealed that the

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complainant Amarjeet Kaur was tenant of alleged detainee i.e. Rakesh Kumar from January, 2018 until April, 2022 and was in live-in-relationship with accused Ranjit Singh @ Jeet. As such, for the purpose of investigation in the abovesaid FIR, it was necessary to prove her residence there and ownership of said place. Further, for the abovesaid purpose, ASI-Baljinder Singh, investigating officer in abovesaid FIR had contacted Rakesh Kumar (alleged detainee) numerous times, however, he chose not to appear and produce documents of his ownership of said house and rent agreement. Accordingly, on 19.09.2024, ASI-Baljinder Singh with the policy party visited the house of Rakesh Kumar (alleged detainee) and asked him to come to Police Station Lalru, for verification of abovesaid facts and he had returned from the said police station.

Further, in view of the above finding, it is apparent that Rakesh Kumar was not detained in illegal custody at any point of time. On 19.09.2024, Rakesh Kumar came to Police Station Lalru along with ASI Baljinder Singh for the limited purpose of investigation and above said FIR and had returned thereafter. The petitioner and his brother Rakesh Kumar (alleged detainee) also does not want to pursue the present matter. Recommendation was made that no further action is required in the present matter.

In view of above, nothing survives in the present petition and the same is disposed of as infructuous.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

15.10.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No