

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-10087-2023  
Date of Decision:06.02.2024

Bimla Devi ...Petitioner  
Vs.  
State of Haryana and others ...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Shakti Singh, Advocate for  
Mr. Balraj Gujjar, Advocate  
for the petitioner.  
  
Mr. Vipul Sherwal, Assistant Advocate General, Haryana.

N.S.SHEKHAWAT, J. (Oral)

The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus with a prayer to appoint the Warrant Officer to conduct the raid on the premises of Police Station City Charkhi Dadri and CIA Staff, Charkhi Dadri for search and get the alleged detenues namely Nanak Ram and Vijay Kumar and released them from the illegal confinement of respondents no.3 and 4.

Vide the order dated 10.10.2023, a Warrant Officer was appointed by this Court and the Warrant Officer has submitted his report as under:-

*“I along with petitioner and other relatives present in the said Police Station searched the Police Station. Detinues namely Sh. Nanak Ram and Mr. Vijay Kumar were recovered from the corridor of the said Police Station. They were standing freely and were not found being guarded by any Police Official at the time of my visit.*

*Sh. Nanak Ram and Vijay Kumar also give their joint statement in this regard, which is in hindi script (Annexure "A), in which they are stated (in short) that on dated 06.10.2023(Friday), they were go with the Police Official for searching his son in village Chiriavas, after that they were detained in the Police Post, Chiriya, next day they were go Hansi alongwith Police officials for searching his son, after that they were detained in the Police Station, City Charkhi Dadri, next day they were shifted to CIA and now today (10.10.2023) about 5.30 PM they were came back from the CIA Staff and go back their home at 6.50 PM and now again came in the Police Station Dadri 10 minutes before reaching the warrant officer. They are further stated that Police Officials go anywhere for searching his son, he was always with them.*

*I asked the SHO, why he has detained Sh. Nanak Ram and Mr. Vijay Kumar w.e.f 06.10.2023, He denied the allegation made by the petitioner and he give his statement in this regard, which is in Hindi Script and the same is Annexed as Annexure "B", in which he has stated (In short) that on dated 06.10.2023 one FIR No.317 U/s 354D/364/376/511/34 IPC (Annexure "C") registered in the said Police Station against Mr. Vikas Kumar (Son of the alleged detenue Mr. Nanak Ram), for the purpose of arrest/search of Mr. Vikas Kumar, Police Officers/Official go with the Mr. Nanak Ram and Mr. Vijay Kumar at the residence of close relatives w.e. 6.10.2023, but both were never detained or arrested by the police, today they were never called but about 10.00 PM they are again come in the police station before reaching the warrant officer. It is submitted that Sh. Nanak Ram and Mr. Vijay Kumar were recovered from the Corridor of the said Police Station at the time of my visit, but as per joint statement they were came present in the said police 10 minutes ago, before reaching the undersigned in the police station. (Joint statement of alleged detainees perused at Annexure "A" and statement of SHO perused at Annexure "B"). After recording the above said statements Sh. Nanak Ram and Mr. Vijay Kumar go to home with the petitioner and undersigned proceeded back."*

In view of the report submitted by the Warrant Officer, it is apparent that alleged detenues namely Nanak Ram and Vijay Kumar were not confined by anyone and they were moving freely in the corridor of the

police station. Even after recoridng their statements, they were permitted to go home with the petitioner and the Warrant Officer returned back.

In view of the report submitted by the Warrant Officer, no further orders are required and the present petition is ordered to be dismissed.

**06.02.2024**

*M.Sikka*

**(N.S.SHEKHAWAT)**

**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether reasoned/speaking | : | Yes/No |
| Whether reportable        | : | Yes/No |