



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CRWP-10649-2024
Date of Decision: 27.11.2024

SHANTI DEVI

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Ms. Malkit Kaur, Advocate
for the petitioner.

Mr. Vinay Kumar, DAG, Punjab

KIRTI SINGH, J.(Oral)

The instant petition has been filed under Article 226 of the Constitution of India, seeking a writ of *Habeas Corpus* for the appointment of a Warrant Officer to raid Police Station Zirakpur and recover the petitioner's son, Mandeep Singh, from alleged illegal confinement by respondent no. 6. The petitioner also prayed for appropriate legal action against SHO concerned for allegedly illegally detaining Mandeep Singh.

2. Vide order dated 04.11.2024, a warrant officer was appointed, who subsequently submitted a report dated 05.11.2024, in which it has been stated that the warrant officer found the alleged detainee in the premises of Police Station Zirakpur but he was not in illegal custody as he had been detained in connection with FIR No. 316 dated 20.07.2024, under Sections 281 and 106(1) of the BNSS Act, 2023. The detainee was released on 04.11.2024 upon furnishing bail bonds through his elder sister, Hardeep



Kaur. The Warrant Officer's report indicates that there was no illegal detention, and the statement of the petitioner and the concerned police officers have been recorded and annexed to the report.

3. The learned State Counsel, while referring to the status report filed by the Deputy Superintendent of Police, has stated that the petitioner has not approached this Court with unclean hands, making baseless allegations have been raised against the police officials without any cogent evidence. It has been submitted that the petitioner and her daughter have filed multiple frivolous litigations, and in the present case, the allegations against the police are without any merit. On 03.11.2024, Police received a call from Hardeep Kaur, alleging that her brother, Mandeep Singh, had confined and assaulted their mother and sister. ASI Raj Kumar and other police officials responded to the complaint and Hardeep Kaur submitted a written complaint, stating that Mandeep Singh and one Rajni Mehta had an altercation with her mother and demanded money. In order to prevent any breach of peace or harm, preventive action under Sections 126 and 170 of the BNSS Act was initiated against Mandeep Singh and he was arrested on 03.11.2024, and a kalandra was submitted before the SDM, Dera Bassi. Furthermore, FIR No. 316 was registered on 20.07.2024 and Mandeep Singh was nominated as an accused based on a supplementary statement recorded on 29.07.2024. Despite receiving summons, Mandeep Singh failed to join the investigation, and there were allegations that Malkeet Kaur threatened the investigating officer, as recorded in DDR No. 65 dated 24.08.2024. On 04.11.2024, Mandeep Singh was arrested under the said FIR and later released on police bail.



4. Upon perusal of the Warrant Officer's report, the status report of the State, and the submissions of the learned counsel for the parties, it is clear that the alleged detainee is not in illegal custody and was duly detained in connection with FIR No. 316, and he was subsequently released on bail after complying with legal procedures.

5. In view of the above, the petition is devoid of merit and stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

27.11.2024
Kavita

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