



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

LPA No.3179 of 2024 (O&M)

Date of Decision: 11.12.2024

Ali Mohammad

.....Appellant.

Versus

State of Haryana and others

.....Respondents.

**CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Nafees Ahmad Khan, Advocate
 for the appellant.

G.S. SANDHAWALIA, J.(Oral)

Challenge in the present Letters Patent Appeal is to the order dated 04.11.2024 passed in the *Criminal Writ Petition No.10073 of 2024* titled as '*Ali Mohammad Versus State of Haryana and others*', whereby the learned Single Judge has relegated the appellant to avail the remedy before the High Court having jurisdiction over the territory where respondent No.4-Vaseem may be actually residing since it was a case for issuance of a writ in the nature of *habeas corpus* for the production of alleged detainee named Jinat, daughter of the appellant, for appointment of a warrant officer and the proceedings were, thus, eminently, in the form of criminal jurisdiction.

2. The reasoning which has been arrived at by the learned Single Judge was that on account of the information received from the



investigating agency of the State that the above-said respondent was not residing within the jurisdiction of this Court and would be living in Rajasthan. It was also noticed by the learned Single Judge that the criminal proceedings have also been lodged in the said State, in the form of an FIR.

3. In such circumstances, we are of the considered opinion that in view of the law laid down by the Apex Court in **Ram Kishan Fauji Versus State of Haryana and others, 2017 AIR Supreme Court 1535**, wherein it has been held that if the order is passed while exercising the powers under Article 226 of the Constitution of India while exercising criminal jurisdiction, the Letters Patent Appeal will not be maintainable before the Division Bench, the present appeal is not maintainable.

5. Even otherwise, vide the impugned order passed by the learned Single Judge, the appellant has been relegated to the remedy in accordance with law to a Court of competent jurisdiction. Resultantly, the present appeal is, hereby, dismissed being not maintainable.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

December 11, 2024
Yag Dutt

Whether speaking/reasoned: Yes
Whether Reportable: No