

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

CRWP-12543-2023

DECIDED ON: 08.01.2024

MAAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amar Jeet, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

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 for production and release of the detainee Chet Singh, who was illegally taken into custody by police on 17.12.2023 from Gurudwara Sahib Near Sukhdev Dhaba Delhi National Highway-1, New Delhi by SHO, CIA Staff, Kapurthala namely Jarnail Singh and other Police Officials.

In pursuance to the previous order dated 28.12.2023, a short reply by way of an affidavit of Babandeep Singh, PPS Deputy Superintendent of Police, Sub Division Sultanpur Lodhi, District Kapurthala has been filed on behalf of respondents No.1 & 2, which is taken on record, wherein it is stated that the detainee Chet Singh is an accused in FIR No.238 dated 23.11.2023 and FIR No.235 dated 21.11.2023, relevant paras of which are reproduced hereinbelow:-

“4. That the present writ in the nature of Habeas Corpus is not maintainable as the alleged detainee Chet Singh is accused in FIR No. 238 dated 23.11.2023 under Sections 302, 307, 332, 333, 353, 186, 148, 149, 120-B IPC and Sections 25, 27/54-59 Arms Act registered at Police Station Sultanpur Lodhi. On dated 21.12.2023 SI Lakhwinder Singh Member SIT cum SHO Sultanpur Lodhi arrested, the alleged detainee Sukhwinder Singh

alias Chet Singh resident of Raipur District Rupnagar, from Village Choti Haveli District Rupnagar and was produced before the Ld. Magistrate and the Ld. Magistrate granted police remand for 3 days of the accused. It is pertinent to mention here that during the remand the weapon of offence 'Kappa' got recovered on the instance of accused-detenuue under section 27 Evidence Act. On dated 24.03.2023, Sukhwinder Singh alias Chet Singh was again produced before the Ld. Magistrate for extension of further police remand for 4 days and the Ld. Magistrate granted the same. Further on dated 28.12.2023 police remand for 2 days was obtained. On dated 30.12.2023 the accused was sent to judicial custody in Modern Jail Kapurthala and is presently lodged there.

5. That it is pertinent to mention that on dated 20.11.2023 Baba Maan Singh, Budda Dal, son of Teja Singh resident of Ward No.10, Gurudwara Ghula, Tehsil Guhna, District Kaithal, Haryana, alongwith his supporter Nihangs took forcibly the possession of Gurudwara Akal Bunga and FIR No. 235 dated 21.11.2023 under Sections 307, 323, 324, 342, 447,448, 511, 436, 427, 148, 149, 379-B IPC and Sections 25,27/54-59 Arms Act registered at Police Station Sultanpur Lodhi and 15 accused were arrested.”

In view of the above, learned counsel for the petitioner does not want to press the instant petition and prays for withdrawal of the same with liberty to avail an alternate remedy in accordance with law.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

(SANDEEP MOUDGIL)
JUDGE

08.01.2024

Poonam Negi

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