



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

CRWP-11852-2024
Date of Decision : **December 07, 2024**

Gurmeet Kaur

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Nikhil Ghai, Advocate
for the petitioner.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, as cast under Articles 226/227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for issuance of a writ especially in the nature of habeas corpus for releasing of alleged detainee, namely, Avtar Singh.
2. The study survey of the instant petition makes it clear that the petitioner has infact, booked under Sections 126 and 170 of BNS, 2023 and he was detained by virtue of an order passed by the competent authority i.e. Sub Divisional Magistrate (Executive), Gidderbaha.
3. The gravamen of the petitioner as encapsulated is that the Sub Divisional Magistrate (Executive) concerned is not accepting the bail bonds despite the efforts being made by the Advocate of the alleged detainee Avtar Singh.

4. This Court has heard the learned counsel for the petitioner and is of the view that the grievance of the petitioner cannot be readdressed by invoking the writ jurisdiction of this Court under habeas corpus as it is not in dispute that the alleged detainee Avtar Singh is in judicial custody by virtue of an order passed by the competent Executive Magistrate concerned. In case, the petitioner has any grievance regarding non acceptance of bail bonds by the Sub Divisional Magistrate (Executive) concerned, then the petitioner has an alternate remedy, therefore, the instant petition is infact, misconceived motion and is **dismissed** accordingly.

5. The petitioner is granted liberty to take appropriate legal remedy for the redressal of her/his grievance.

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No