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

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CRWP-2933-2025 (O&M)
Date of decision : 27.03.2025

Gurumukh Singh**...Petitioner**

Versus

State of Punjab and another**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Gurmohan Preet Singh, Advocate,
Mr. Angrej Singh, Advocate and
Mr. Kanwarjit Singh, Advocate
for the petitioner.

Mr. Deepender Singh,
Additional Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuing a writ in the nature of Habeas Corpus for the release of alleged detainee, namely Mr. Jagjit Singh Dallewal, who is a prominent farmer leader, from the illegal custody of the respondents.

2. Learned counsel for the petitioner has submitted that the alleged detainee, along with other farmers and their representatives including the petitioner, has been holding protest against some policy of the Govt. of India. As a part of agitation, the alleged detainee has proceeded on an indefinite hunger strike since 16.11.2024 urging fulfillment of their demands relating to farmers' interest. It is further submitted that on 19.03.2025, the alleged detainee along with other farmer leaders, after participating in a meeting with delegation of the Govt. of India, was returning to protest sites at the Shambhu

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and Khanauri borders. The convoy of the alleged detainee was intercepted by the Punjab Police and the alleged detainee along with some other farmer leaders was detained by them without any prior notice. It is further submitted that the alleged detainee along with several other farmers have been kept in illegal confinement by the Punjab Police. Hence, the present petition.

3. In response to notice issued on 21.03.2025, reply by way of the affidavit of Senior Superintendent of Police, Patiala has been filed on 24.03.2025. When the case was taken up on 24.03.2025, the following order was passed by this Court:

“Reply by way of affidavit has been filed on behalf of the respondents-State. Copy thereof, has been supplied to counsel opposite.

It is submitted by learned State counsel at the very outset that the alleged detainee is not in custody of the Police. He is admitted at Park Hospital, Patiala as per his own wish as he has opted for hospitalization keeping in view his health condition and that he is free to leave.

Learned counsel for the petitioner has submitted that the respondents are not allowing the family members of the alleged detainee to visit the hospital and to meet him. He has requested that direction be given for arranging meeting of the family members of the alleged detainee in the hospital.

At this stage, learned State counsel has submitted that as per the orders of Hon’ble Apex Court, the State is responsible for medical care of the alleged detainee. It has no objection in meeting the family members of the detainee in the hospital premises.

Keeping in view the request of the counsel for the petitioner, the respondents are directed to ensure meeting of the family members of the alleged detainee in the hospital

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premises without any hindrance either from the side of respondents or the hospital authorities, however, by observing the protocol of the concerned hospital.

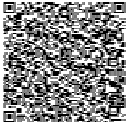
On request of learned counsel for the petitioner, adjourned to 26.03.2025.”

4. Learned Additional Advocate General, Punjab has submitted that in compliance with aforesaid order dated 24.03.2025, the family members of the alleged detainee as well as four other farmer leaders have had a meeting with him in the hospital premises. Learned State counsel has reiterated their stand that the alleged detainee is not in any kind of detention of the police or any other authority and although he was got admitted in the said hospital as per the orders of the Hon’ble Apex Court, wherein the State was held responsible for his care, but now the alleged detainee is admitted in the said hospital as per his own free wish keeping in view his health condition.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. Admittedly, the alleged detainee was admitted in the hospital in the intervening night of 19/20.03.2025, due to his bad health condition as he was on hunger strike for an indefinite period demanding fulfillment of farmers’ demand. The respondent-State has taken a candid stand that the alleged detainee was not in any kind of illegal confinement. Rather, he was got admitted in the hospital due to his health condition in the wake of the direction issued by Hon’ble Supreme Court. Now, in compliance with the directions issued by this Court, the family members and some farmer leaders have met him in the hospital premises. This fact is not disputed by learned counsel for the petitioner. Rather, on a query put by this Court as to whether the alleged detainee wants to be discharged from the hospital, learned counsel for the

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petitioner has replied in the negative. The alleged detainee is said to be free to go home after seeking discharge from the hospital. In such circumstances, it cannot be said that the alleged detainee is in illegal confinement of the respondents. Therefore, keeping in view the aforesaid facts and circumstances, the present petition is disposed of as no further orders are called for in the matter. However, the respondents are directed to ensure that there should be no hindrance if the family members, friends, relatives or any other person wish to see Mr. Jagjit Singh Dallewal in hospital, while following the rules and protocol of the hospital.

26.03.2025

Waseem Akhouri

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No