



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

255

CRWP No.3175 of 2025 (O&M)

Date of decision: 04.04.2025

Ajay Kumar

....Petitioner

Versus

State of Punjab and others

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Gursheer Singh Dhillon, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Davinder Singh Khurana, Advocate
for respondent No.3.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this criminal writ petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for issuance of a writ in the nature of habeas corpus, for directing the official respondents to get released the brother of the petitioner namely Aman Kumar @ Amna, who has been illegally detained by respondent No.2 in the premises of respondent No.3 and to appoint a Warrant Officer to search and release the detainee.

2. On 28.03.2025, the following order was passed by this Court:-

“Notice of motion for 04.04.2025.

In the meantime, Registry is directed to appoint a Warrant Officer, who shall visit the alleged places of

2025:PHHC:048666



detention and any other place, as may be pointed out by the petitioner. In case the alleged detainee is found in illegal detention of respondents No.2 and 3, the Warrant Officer shall ensure his release forthwith. The petitioner shall meet the requisite charges on account of fee and travelling expenses of Warrant Officer as fixed by the Registry.

The Warrant Officer is directed to submit his report on or before the next date of hearing.”

3. In compliance thereof, the report of the Warrant Officer has been received and opened in the Court itself.

4. A perusal thereof indicates that the Warrant Officer reached the Police Station at 10:30 PM and disclosed his identity to the Station House Officer (SHO), who submitted that the detainee was found involved in case FIR No.15 dated 12.02.2025, under Sections 125/109, 3(5) of BNS, 2023 and Section 25(6)(7)(8)/54/59 of the Arms Act, registered at Police Station Mehna (Annexure A) and he has been nominated as an accused vide General Diary No.014 dated 16.03.2025 (Annexure B). The SHO further informed that on 17.03.2025, a secret information with regard to location of the detainee was received and the police party proceeded to arrest him and during the confrontation between the police party and the accused, the detainee was injured and apprehended and thereafter, he was admitted in Civil Hospital, Moga in an injured condition, from where he was referred to GGS Medical College and Hospital, Faridkot where he was operated upon and he was nominated in FIR No.27 dated 17.03.2025, registered under Sections 109, 111 of BNS, 2023 and Section 25(6)(7)(8)/54/59 of the Arms Act at

2025:PHHC:048666



Police Station Mehna (Annexure C) and further due to written advice given by the Doctor and due to the reason that the detainee was operated upon at GGS Medical College and Hospital, Faridkot, he was not taken to police custody.

5. Keeping in view the medical condition of the detainee, he was produced before the learned Duty Magistrate through video conferencing, for taking his judicial remand on 28.03.2025 (Annexure D) and the learned Judicial Magistrate Ist Class, Moga, was supplied with the report made by the Doctor and the learned Duty Magistrate had ordered the detainee to be remanded to judicial custody till 11.04.2025 (Annexure E) and the detainee was sent to judicial custody till 11.04.2025 and the SHO concerned has also informed that the detainee would be sent to Central Jail, Faridkot after his discharge from the hospital and as and when he will be in good health, the police remand would be obtained from the concerned Court and as such, the arrest of the alleged detainee was made through General Diary No.018 dated 28.03.2025 (Annexure F) and an information regarding his arrest was also given to his cousin at the instance of the detainee. The Warrant Officer has attached the necessary documents and also the order passed by the learned Duty Magistrate, regarding the judicial remand of the alleged detainee.

6. Learned State counsel submits that in order to save the accused (alleged detainee) from further complications, he was referred to GGS Medical College and Hospital, Faridkot and in order to provide

2025:PHHC:048666



him proper treatment, the detainee was taken to medical college where a surgery was performed. He further submits that it is not the case of illegal detention rather the accused (detainee) has been lawfully arrested and his police remand would be taken as and when his physical condition improves.

7. In view of the peculiar facts and circumstances of the case and the report of the Warrant Officer, no further directions are required to be passed in the present case.

8. Accordingly, the present petition is disposed of.

(HARPREET SINGH BRAR)
JUDGE

04.04.2025
yakub

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