



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

113

CRWP-3837-2025

Date of decision: 17.04.2025

RAM LUBHAYA

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : None for the petitioner.

Mr. Jastej Singh, DAG, Punjab

SANDEEP MOUDGIL. J.(Oral)

1. Registry has put up a note that CRWP-3760-2025 has been assigned to another Habeas Corpus petition titled as “Sunita Rani Vs. State of Punjab and Others” and CRWP-3837-2025 has been assigned to the present petition titled as Ram Lubhaya Vs. State of Punjab. In view of above, the writ number of order dated 13.04.2025 be read as CRWP-3837-2025 instead of CRWP-3760-2025.

The jurisdiction of this Court under Article 226 of the Constitution of India read with Section 528 of BNSS, 2023 has been invoked for issuance of a Writ in the nature of Habeas Corpus for appointment of a Warrant Officer with a roving writ or directing the respondents No.1 to 3 to get release the alleged detinue namely Hardeep Kumar (son of the petitioner), who is stated to be in illegal confinement of respondents No.4 and 5.

2. In view of the order dated 13.04.2025, a report has been received from the concerned Warrant Officer, which reads as under:-

“Accordingly, the undersigned accompanied by the petitioner-



- 2-

Ram Lubhaya left for Police Post Lassara, Phillaur, District Jalandhar, by a car at about 06:15 PM on 13.04.2025 and reached outside the gate of the Police Post Lassara at about 09:00PM. On knocking, one constable opened the gate, to whom I disclosed my identity and then he took us to the Incharge's Room where Incharge SI-Paramjit Singh(247) was present, to whom I disclosed my identity and purpose of visit. On being enquired as to whether alleged detenue-Hardeep Kumar was being illegally arrested or detained by them in the Police Post since 10.04.2025, he denied the allegation and said that Hardeep Kumar is neither arrested nor he has been illegally detained by them in the Police Post, in any case. However, on 10.04.2025, they had verbally called Hardeep Kumar to the Police Post for questioning in a robbery case but he was allowed to go home immediately thereafter. The Incharge also informed that no case is registered in the Police Post Lassara against Hardeep Kumar and he is not required in any case for investigation either. Then, in the presence of Incharge, I along with petitioner searched all the rooms of the Police Post, but the detenue was not found in the custody of the Police Post Lassara. Thereafter, to ascertain the fact whether the detenue was actually free, I asked the Incharge to call Hardeep Kumar to the Police Post Lassara, to which he made telephonic call to Hardeep Kumar and asked him to be present in Police Post immediately. After 15-20 minutes, 4-5 male persons came to the police post and entered the Incharge's Room. On asking about them, Incharge introduced me to detenue-Hardeep Kumar, his uncle-Raj Kumar and other respectable persons of their village. On being enquired, whether he was illegally detained by the Police at Police Post Lassara, detenue-Hardeep Kumar informed that he was only verbally called by the police at Police Post Lassara on 10.4.2025 for questioning in a case concerning robbery and after being questioned, he was relieved by the police and then he went with to his uncle-Raj Kumar's house on the same day without telling anything to his family members and he was living there due to apprehension that he might



be called again by police to the police post. But now, on being called by the Incharge, he has come to the Police Post alongwith his uncle-Raj Kumar and other respectable persons of their village. Then, in the presence of petitioner, uncle-Raj Kumar and other village members, Incharge SI-Paramjit Singh got recorded statement of the detenue-Hardeep Kumar, narrating the aforesaid facts, which is at Annexure-'A'. The petitioner-Ram Lubhaya also told me that he only came to know the fact of his son being living at his uncle's house just now, so he is taking his son-Hardeep Kumar with him to his house. He had also given his undertaking/statement in this regard which is at Annexure-'B'. The copy of G.D. (Roznamcha Report) No:023 dated 13.04.2023 entered at the P.S. Phillaur, at 23:22 hrs regarding my visit at Police Post Lassara, Phillaur, District Jalandhar is added below at Annexure-'C'. After getting copy of the aforesaid documents, I along with petitioner, his son Hardeep and others left the police station."

3. In view of the said report, the present petition has become infructuous, as the alleged detenue has been recovered and his custody has been handed over to the petitioner.
4. Disposed of as having been rendered infructuous.

17.04.2025
amandeep

(SANDEEP MOUDGIL)

JUDGE

Whether speaking/reasoned.

:

Yes/No

Whether Reportable.

:

Yes/No