



CRWP-9261-2025

- 1 -

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

241

CRWP-9261-2025

Decided on : 08.09.2025

Nishan Singh

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vikas Malik, Advocate
for the petitioner(s).

Mr. Neeraj Madaan, Sr. DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. In the present *Habeas Corpus* petition, on 25.08.2025, following order was passed:-

“1. Petitioner – Nishan Singh, aged about 45 years, has approached this Court by way of the present petition seeking issuance of a writ in the nature of habeas corpus, inter alia, for release of detainee – Manpreet, son of Kulwant Rai, resident of Tridde Guddar Dhani, Ferozepur, who is brother-in-law of the petitioner, and is allegedly being illegally detained by respondent No.4 – SHO, Police Station Lakho Be Behram, District Ferozepur, since 23.08.2025 at about 08:00 P.M.

2. Learned counsel for the petitioner submits that police officials from Police Station Lakho Ke Behram, District Ferozepur, raided the house of the petitioner on 23.08.2025 at about 08:00 P.M. and took away the detainee without disclosing anything to any of the family members. It is further submitted that, to the knowledge of the petitioner, neither any FIR has been registered against the detainee ‘Manpreet’ nor has he been produced before any Court of competent jurisdiction.

3. Learned counsel further submits that the petitioner, along with respectables of the village, visited the concerned police station, but no satisfactory reply was given by the police. On persistent requests, respondent No.4 merely stated that the detainee was required in some criminal case for enquiry and would be released soon. However, despite the lapse of more than two days, neither the detainee ‘Manpreet’ has been released nor produced before any Court of competent jurisdiction. Petitioner is apprehensive that, these days, in the name of the drive ‘Yudh Nashya Virudh’ launched by the police, innocent persons are being falsely implicated in NDPS cases, merely on the basis of disclosure statements of accused persons while in police



custody. Hence, there are ample chances of the detenue 'Manpreet' being falsely implicated under the NDPS Act. Hence, the present petition has been filed.

3. *Notice of motion for 08.09.2025.*

4. *In the meantime, Registry is directed to appoint a Warrant Officer, on payment of usual charges, who will visit the place(s) of alleged detention of the detenue and if found him in illegal detention, then to get him released immediately after recording statement of detenue 'Manpreet'.*

5. *The Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court.*

6. *It will be open for the parties to be present before this Court on next date of hearing.*

7. *At this stage, it has been brought to the notice of this Court that the petitioner is labourer and a person of limited means, thus, unable to pay the usual charges to be paid to the Warrant Officer. Thus, prays that payment of such charges may be dispensed with or the Punjab State Legal Services Authority may be directed to pay the charges of the Warrant Officer in the present case.*

8. *Having regard to the constitutional mandate under Article 39-A and the provisions of the Legal Services Authorities Act, 1987, this Court is of the view that denial of relief on account of financial incapacity would amount to denial of access to justice.*

9. *Accordingly, it is directed that the expenses qua the Warrant Officer, in the present case, shall be borne by the Punjab State Legal Services Authority, SAS Nagar (Mohali), and the same be released by it out of its own funds forthwith.*

10. *Registry is directed to communicate a copy of this order to the Member Secretary, Punjab State Legal Services Authority, SAS Nagar (Mohali), for necessary compliance, in this regard."*

2. In pursuance to the order dated 25.08.2025, warrant officer was appointed by this Court, and further, in compliance thereto, report dated 26.08.2025 along with documents, has been submitted before this Court in a sealed cover, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place in the case file.

3. Said report has been opened by the Court Secretary and same is perused in Court today.

4. As per report of the warrant officer, detenue 'Manpreet' had been arrested in case FIR No.90, dated 24.08.2025, under Section 21 of NDPS Act, 1985, registered at Police Station Lakho Ke Behram (attached as Annexure R-1 along with report) vide GD Entry No.31, dated 24.08.2025 (attached as Annexure R-2 along with report). Family members of the accused had been duly informed at Mobile No.6284392044 on 24.08.2025



CRWP-9261-2025

- 3 -

(Annexure R-3). The report of the warrant officer also discloses that detenue had been produced before the Court of Shri Devinder Singh, Ld. Sub Divisional Judicial Magistrate, Guru Har Sahai, on 25.08.2025 vide remand paper (Annexure R-4), where they were subjected to police remand for two days.

5. In view of the above, nothing survives for adjudication in the present petition. Accordingly, considering the facts and circumstances mentioned hereinabove, and keeping in view the report dated 26.08.2025 submitted by the Warrant Officer, the present petition is **disposed of as infructuous**, as no cause of action survives any further.

However, it will be open for the petitioner to take recourse to the legal remedies, as are available to him, under the law.

(SANJAY VASHISTH)
JUDGE

September 08, 2025

J.Ram

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>