



CRWP-12508-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRWP-12508-2025

Decided on: 28.11.2025

Surender

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sylvester Stephen, Advocate
for the petitioner.

Mr. Amish Sharma, AAG Haryana

SANJAY VASHISTH, J. (ORAL)

1. Prayer in this petition, filed under Article 226 of the Constitution of India read with Section 528 of BNSS, 2023 is for issuance of a writ in the nature of Habeas Corpus directing respondents No. 1 and 2 to locate and get released the detenue 'Yoginder Rathee', from the illegal detention of respondent No.4 and 5.

2. On 02.09.2025, following order was passed:

(i) *Petitioner - Surender, has filed instant petition for issuance of a writ in the nature of Habeas Corpus for releasing of detenue 'Yoginder Rathee', from the illegal detention of respondent No.4 and 5 Inspector/SHO Savit Kumar, P.S. Sector 27, District Sonipat and Sub- Inspector Sanjay, P.S. Sector 27, Sonipat, District Sonipat, Haryana.*

(ii) *Learned counsel for the petitioner submits that the detenue is the real brother of the petitioner and has been illegally detained by respondents No.4 and 5 without disclosing any reasons or serving any warrants issued by a competent authority. It is further submitted that the root cause of the dispute stems from the fact that the land of the petitioner's maternal aunt abuts the land of one Shanti Devi, who is alleged to be a mischievous lady and is exerting pressure upon the*



petitioner's aunt to vacate the land purchased by her through two registered sale-deeds dated 06.12.2024.

(iii) It is further submitted that on 16.11.2025, the aforesaid Shanti Devi along with 5-6 musclemen attempted to forcibly get vacated the property of the petitioner's aunt, namely; Neelam Choudhary w/o Rajesh. However, upon the intervention of the petitioner's brother, i.e., the detenue Yoginder Rathee, the said miscreants fled from the spot. Thereafter, upon lodging of some frivolous complaint against the detenue, respondent No.5 telephonically informed him on 17.11.2025 regarding registration of a complaint alleging forcible possession of the land. In response, the detenue produced the aforementioned sale-deeds dated 06.12.2024 in support of his lawful possession. Despite this, respondent No.5 allegedly insisted the detenue to vacate the said land, failing which he and his family members would to be implicated in false and frivolous cases.

It is further averred that the petitioner lodged a formal complaint in the CM Grievance Window as well as before the Commissioner of Police, Sonipat, Haryana, through email dated 17.11.2025 (Annexure P- 1). However, on 18.11.2025, respondents No.4 and 5, while projecting themselves as Investigating Officers in the said complaint, forcibly took away the detenue to an unknown place without following due process of law.

It has also been pleaded that till date, the whereabouts of the detenue - Yoginder Rathee, are not known. Thus, a prayer has been made for appointment of a Warrant Officer to visit the suspected place(s) of detention of the detenue and to secure his release from the alleged illegal custody of the police.

(iv) Notice of motion for 28.11.2025.

(v) In the meantime, Registry of this Court is directed to appoint a Warrant Officer on payment of usual charges, who will visit the places of detention of the alleged detenue, as disclosed by the petitioner, and if found in illegal detention then to get him released immediately after recording his statement.

(vi) The Warrant Officer shall submit his detailed report in that regard on or before the date fixed by this Court, for further course of action.

3. Though there was direction for appointment of Warrant Officer by this Court, yet it has been reported by the Registry that nobody approach the registry for appointment of Warrant Officer.

4. Today, at the very outset, learned counsel appears and prays for withdrawal of the instant petition as detenue has already been released.



CRWP-12508-2025

5. In view of the statement of learned counsel for the petitioner, the present petition has been rendered infructuous and the same is disposed of as such.

28.11.2025
reena

(SANJAY VASHISTH)
JUDGE

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO