

CRWP-544-2021 (O&M)

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

**CRWP-544-2021 (O&M).
Decided on: January 29, 2021.**

Tarsem Singh

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Jagdeep Singh Chahal, Advocate,
for the petitioner.**

Mr.Luvinder Sofat, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, with a prayer to issue a writ in the nature of habeas corpus directing the official respondents to trace out the alleged detenue namely Deepak Singh.

On 18.1.2021, this Court while issuing notice of motion had appointed Warrant Officer in this regard.

A report has been received from the Warrant Officer who has stated that for carrying out the order dated 18.11.2021, he in the company of the petitioner and two more persons known to the petitioner

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proceeded to Police Station, Kurali on 18.1.2021 and reached there at about 09.01 P.M. where one Santri and one other person were standing outside the Police Station, Kurali and the official present at the police station apprised the Warrant Officer that the aforesaid alleged detainee namely Deepak Singh has been arrested in connection with FIR No.100 dated 22.11.2020 and will be produced in the Court on the next date. The SHO also called the Computer Operator who was a lady and she showed to the Warrant Officer that detainee has been arrested at 19:12 hours on 18.1.2021 vide G.D. No.022 under Section 379-B IPC, Police Station, Kurali.

The Warrant Officer has further submitted in his report that he met the detainee who was in the lock up and asked his name and address. He told that his name is Deepak Singh son of Tarsem Singh, aged 30 years, resident of village Kalo Majra, Tehsil Rajpura, District Patiala and he is married having two children. Police arrested him from Jhingra road at about 6:00 P.M. He also stated that the police has already raided his house and he further stated that he himself wanted to surrender before the police.

Learned counsel for the petitioner has submitted that so far as the nature of the detention of the petitioner is concerned, the same cannot be termed as illegal in view of the fact that FIR stands already registered against the aforesaid detainee but he submits that detainee was arrested prior to the date which has been mentioned.

However, a perusal of the report of Warrant Officer shows that the Warrant Officer had himself met the detainee in the lock up who himself stated that he was arrested at 6:00 P.M. and therefore, the

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contention of the learned counsel for the petitioner cannot be accepted at this stage.

The present petition has been filed seeking a writ in the nature of habeas corpus and the Warrant Officer has submitted that the detenue is in custody of the police after proper arrest was made and he was to be produced before the learned Judicial Magistrate on the next date and therefore, no further proceedings are required to be called for in the present case. Consequently, the present petition is hereby disposed of accordingly.

January 29, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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