



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12491-2024
Date of decision: 07.01.2025

PINKI DEVI

...PETITIONER

V/S

STATE OF UT CHANDIGARH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Dangi, Advocate for the petitioner.

Mr. Manish Bansal, P.P., UT Chandigarh with
Mr. Navjit Singh, Advocate.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Article 226 of Constitution of India is for issuance of a writ in the nature of Habeas Corpus for appointing the warrant officer for the release of detenu detailed in para 8 of this petition.

2. Mr. Atul Kaushik, Advocate has put in appearance on behalf of respondent Nos.6 to 9 and filed his *vakalatnama* which is taken on record. Registry is directed to tag the same at the appropriate place. He has filed reply on behalf of private respondents i.e. respondent Nos.6 to 9, which is taken on record.

3. This Court on 20.12.2024, passed the following order :-

“Prayer in this petition, filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of habeas corpus.

Learned counsel contends that the alleged detenu, namely, Arun, aged 16 years, r/o village Jagatpura, Police Station Phase-11, District Mohali, who is son of present petitioner, has been illegally detained by the private respondents.



Notice of motion for 07.01.2025.

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 detenue and if found in illegal detention, then to get him released immediately after recording his statement.

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

4. In compliance thereof, a sealed report of the Warrant Officer is opened in the Court itself and the same is taken on record. A perusal thereof indicates that the alleged detenue-Arun son of the petitioner was not found at the house of the private respondents. The report of the Warrant Officer further reveals that the daughter of respondent No.6 is missing and in this regard, a complaint has already been lodged at Police Station Sector 31, Chandigarh by respondent No.6. Earlier also on two occasions, the daughter of respondent No.6 went missing and was found with the alleged detenue-Arun. Thereafter, the Warrant Officer has visited the concerned police station and found that FIR No.0244 was registered on 05.12.2024 and in this regard the husband of the petitioner and her elder son were called and they have submitted that they have no knowledge about detenue-Arun. The report further reveals that the husband of the petitioner has alleged that he along with the son was beaten by ASI Shiv Kumar and they cannot walk properly. However, the concerned officer refused to have beaten them. A copy of the FIR (supra) has been provided to the Warrant Officer.

5. Learned Public Prosecutor for State of U.T. Chandigarh submits that the FIR with regard to missing of daughter of respondent No.6 was registered on 05.12.2024 and the petitioner has filed the present petition only to save herself and her family members as the minor girl is missing and earlier, she was found in the company of son of the petitioner. As such, the present



petition has been filed in order to save their skin and prevent the investigating agency from performing their statutory duty. Learned Public Prosecutor further submits that with regard to the allegation of beating, there is no evidence as husband and elder son of the petitioner have not got themselves medico-legally examined or made any complaint in this regard. He further submits that the present petitions is totally misconceived and till the filing of the present petition on 20.12.2024, not even a single complaint with regard to missing of the son of the petitioner, namely, Arun had been filed and the same has not been filed till date. He furthermore submits that the present petition has been filed only to prevent the investigating agency to trace the minor daughter of respondent No.6.

6. In view of the specific stand taken by learned Public Prosecutor and also the fact that the FIR (supra) has already been registered on 05.12.2024, no further directions are required to be passed in this case.

7. The present petition stands disposed of accordingly.

January 07, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |