
(2021) 02 P&H CK 0369

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 22 Of 2021 (O&M)

Chhabbi

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 12-02-2021

Acts Referred:

Narcotic Drugs And Psychotropic Substances Act, 1985 — Section 21, 61, 85
Arms Act, 1959 — Section 25, 54, 59
Code Of Criminal Procedure, 1973 — Section 160

Citation : (2021) 02 P&H CK 0369

Hon'ble Judges : Jasgurpreet Singh Puri, J

Bench : Single Bench

Advocate : Luvinder Sofat

Final Decision : Dismissed

Judgement

Jasgurpreet Singh Puri, J

The present petition has been registered on the basis of a complaint received by post. In the complaint, the complainant namely Chhabbi daughter of Kashmir Singh, resident of village Muthian Wali, Tehsil Patti, District Tarn Taran, has complained that her mother, father and paternal uncle have been picked up by the police in the month of October 2020 and they have been made to sit at Thana Sadar, Patti Maur without any reason and nothing has been informed to her.

On 5.1.2021, notice of motion was issued in this case and the Secretary, District Legal Services Authority, Tarn Taran, was directed to visit the concerned police station and in case, the alleged detainees are found in illegal custody, then they be got released forthwith.

Thereafter, the Secretary, District Legal Services Authority, Tarn Taran, was again directed to coordinate with the complainant namely Chhabbi on mobile number i.e. 8728876039 mentioned in her complaint and to ascertain as to whether the

alleged detainee had returned back to home or not and to file status report.

Consequently, the Secretary, District Legal Services Authority, Tarn Taran, has submitted a report dated 11.1.2021 wherein it is stated that he visited the police station and nobody was found in the lock up either legally or illegally and thereafter, another report dated 12.1.2021, has been submitted in which it is stated that he had called at the given mobile number and person who attended the phone told that this number belongs to him and he gave mobile number of Chhabbi. Thereafter, he called at the said number and talked to Chhabbi and enquired about the whereabouts of Rajwinder Kaur wife of Kashmir Singh, Kashmir Singh and Kalal Singh sons of Mangat Singh and she told that all of them have returned back to home.

The State of Punjab has also filed short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division, Patti, District Tarn Taran, on behalf of respondent Nos.1 to 3. It has been stated in the reply that the alleged detainees Kashmir Singh and Kala Singh are the real brothers and they are owners of some land by possession and the said land is adjoining to Hindustan-Pakistan border. It is further stated in the affidavit that on 20.10.2020, a written letter by Sh.Ravi Kumar Sharma, Company Commander was received at Police Station, Sadar Patti, District Tarn Taran regarding lodging of FIR regarding seizure of 02 kgs and 615 grams Heroin which was wrapped in yellow tape in three packet and one pistol made in Turkey along with one magazine loaded with 04 cartages were recovered and on the basis of said written letter, case bearing FIR No.228 dated 20.10.2020, under Sections 21/61/85 of NDPS Act, and Section 25/54/59 of the Arms Act, P.S. Sadar Patti, District Tarn Taran, was registered against unknown persons. Thereafter, investigation was carried out by the Investigating Officer and during the course of investigation it was revealed that the land from which recovery of 02 kgs and 615 grams Heroin which was wrapped in yellow tape in three packet and one pistol made in Turkey along with one magazine loaded with 04 cartages was effected, is of Kashmir Singh and Kala Singh and they are cultivating the same since long and in order to facilitate the investigation, a notice under Section 160 Cr.P.C. was issued to said Kashmir Singh and Kala Singh and in pursuance of said notice under Section 160 Cr.P.C., they appeared before the investigating officer at Police Station, Sadar Patti, on 25.10.2020 for formal investigation pertaining to the above said FIR and after some query they were freed on same day as there was no clue.

It has been further stated in the affidavit that neither the alleged detainees Kashmir Singh and his brother namely Kala Singh and Rajwinder Kaur were illegally picked up or illegally detained by the police of Police Station Sadar Patti, District Tarn Taran, nor are they required in any case by the police till date and they are residing in their respective houses.

After considering the report of the Secretary, District Legal Services Authority, Tarn Taran, wherein, it is stated that the above three persons have already returned to home and affidavit filed by the State, no further proceedings are

called for in the present case and consequently the present petition is dismissed.