

134 CRWP-4345-2022

State of Punjab Vs. State of Haryana and others

Present: Dr. Anmol Rattan Sidhu, Advocate General, Punjab;
Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab,
Mr. Puneet Bali, Senior Advocate, with
Mr. Pratham Sethi, Advocate,
Mr. Shiv K. Sharma, Advocate,
Mr. Gagandeep Jammu, Advocate,
for petitioner.

This Criminal Writ Petition under Article 226 of the Constitution of India has been moved by petitioner-State of Punjab for issuance of a roving writ in the nature of Habeas Corpus directing the respondents to produce and release detainees namely (1) Inspector Shiv Kumar 36/JAL; (2) Lady Sub Inspector Reena 83/JRT; (3) Assistant Sub Inspector Amandeep Verma 813/SAS; (4) Assistant Sub Inspector Deepak Singh 149/SAS; (5) Assistant Sub Inspector Gurpartap Singh 631/SAS; (6) C-2 Amritpal Singh 593/SAS; (7) Constable Amritpal Singh 2143/SAS; (8) Constable Satnam Singh 2154/SAS; (9) Constable Gurbaj Singh 2072/SAS; (10) Constable Harinder Singh 1073/SAS; (11) Constable Rajbir Singh 2070/SAS and (12) Constable Simranjit Singh 2337/SAS, immediately; with further direction to appoint a Warrant Officer to effect release of said detainees from illegal custody/detention of respondent No.3 and for issuance of direction to Warrant Officer to search any other place as pointed out by the petitioner at that time.

Learned Advocate General, Punjab, submits that Punjab Police had gone to Delhi and arrested accused Tejinder Pal Singh Bagga, vide arrest memo of even date in case FIR No.18 dated 01.04.2022 under Sections 153-A, 505, 505(2) and 506 IPC, Police Station Punjab State Cyber Crime Police Station SAS Nagar. He further submits that though

Deputy Superintendent of Police Kuljinder Singh had gone to Police Station Janakpuri, Delhi, to intimate the arrest of accused-Tejinder Pal Singh Bagga, with a view to get the DDR lodged but to no avail and instead of that he was illegally detained by the Delhi Police officials. He further submits that when the Punjab Police comprising of above named twelve police officials were bringing above said Tejinder Pal Singh Bagga to SAS Nagar (Mohali) to produce him before the Area Magistrate, however, on their way at Kurukshetra, they were illegally detained by Kurukshetra Police and then in connivance with Haryana Police, officials of Delhi Police have illegally taken away said Tejinder Pal Singh Bagga from lawful custody of Punjab Police. He further submits that above mentioned police officials twelve in number who have been illegally detained by Haryana Police at Kurukshetra may be got released forthwith. He further submits that custody of Tejinder Pal Singh Bagga be restored to the Punjab Police.

Notice of motion.

Mr. B.R. Mahajan, Advocate General, Haryana; Mr. Pawan Girdhar, Additional Advocate General, Haryana; Mr. Deepak Sabherwal, Additional Advocate General, Haryana and Mr. Saurabh Girdhar, Assistant Advocate General, Haryana, have put in appearance and accept notice on behalf of the respondents and seek time to file status report.

At this juncture, Mr. Satya Pal Jain, Additional Solicitor General of India has put in appearance on behalf of Union of India (Delhi Police) and also seeks time to file status report.

Complete copies of paperbook have been supplied to learned Advocate General, Haryana and learned Additional Solicitor General of India appearing for Union of India (Delhi Police).

In view of urgency involved in the matter, learned Advocate General, Haryana as well as learned Additional Solicitor General of India have been asked to file their respective reports today itself.

Learned Advocate General, Haryana, has filed status report of even date of Anshu Singh, IPS, Superintendent of Police, Kurukshetra, and submits that on receipt of VT message from Delhi Police in respect of kidnapped person namely Tejinder Pal Singh Bagga from Janakpuri, Delhi and being taken away in vehicle make Bolero No.PB-65AH-3661 assisted by two/three more vehicles, pursuant to said message, above said vehicle was made to stop at village Khanpur Koliyan by the Traffic Police, Kurukshetra. He further submits that another vehicle No.PB-65AX-1594 was also made to stop, wherein Mr. Manpreet Singh, PPS, Superintendent of Police (Rural), Mohali, was sitting alongwith other officials and one more person whose identity was disclosed as Tejinder Pal Singh Bagga. He further submits that in the meantime Superintendent of Police, Ambala, arrived at the spot and informed Mr. Ghanshyam Bansal, Deputy Commissioner of Police, Delhi (West), whereupon it was responded that Police Team headed by Mr. Prashant Gautam, Additional Deputy Commissioner of Police (West) has already been directed to reach there. He further submits that on arrival of Delhi Police at Police Station Sadar Kurukshetra, they identified Tejinder Pal Singh Bagga and produced FIR No.327 dated 06.05.2022 under Sections 295, 342, 365, 392 and 452 IPC read with Section 34 IPC, registered at Police Station Janakpuri, West (Delhi) as well as the search warrants issued by Ms. Neetika Kapoor, Metropolitan Magistrate-11, Dwarka District Courts, New Delhi, for

production of Tejinder Pal Singh Bagga in the said Court. He further submits that in terms of deliberations made by Delhi Police and Punjab Police and further in pursuant to search warrant issued by Delhi Court, custody of Tejinder Pal Singh Bagga was handed over to the Delhi Police. He further submits that Punjab Police officials as alleged as detenues have not been detained by the Kurukshetra Police in any manner and those police officials on their own were sitting in the room of SHO, Police Station Sadar, Kurukshetra, and they were being requested to proceed to their destination as no further action was required in the matter.

Apart from above, learned Additional Solicitor General of India representing Delhi Police has placed on record incident report of even date prepared by DCP West (Delhi) alongwith search warrant dated 06.05.2022 as well as copy of FIR No.327 dated 06.05.2022, Police Station Janakpuri West (Delhi), as detailed above. Learned Additional Solicitor General of India submits that in pursuant to registration of FIR No.327 dated 06.05.2022, as detailed above, at the instance of Preetpal Singh Bagga, father of Tejinder Pal Singh Bagga, search warrant to effect appearance of said Tejinder Pal Singh Bagga was obtained from Metropolitan Magistrate, Delhi, and further wireless message was flashed to intercept and trace the abducted person. He further submits that on receipt of information from Kurukshetra Police, abducted person (Tejinder Pal Singh Bagga) was rescued by Delhi Police with the assistance of Kurukshetra Police and was being brought back to Delhi to produce him in the Court concerned at Delhi. He further submits that no official of Punjab Police has been detained at Police Station Janakpuri, Delhi (West).

In view of above, for further submissions, hearing of the case is adjourned to 07.05.2022.

(LALIT BATRA)
JUDGE

06.05.2022
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