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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRWP-9339-2021

Date of Decision: 10.11.2022

Alka Mehta

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vibhu Agnihotri, Advocate &
Mr. Akhi Krishan Maggu, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Saurabh Goel, Sr. Standing Counsel with
Ms. Samridhi, Jain, Advocate,
for respondent Nos.4 to 6.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Habeas Corpus with a roving writ against illegal detention of detainee Rohit Mehta son of Yashpal Mehta, who stated to be in the illegal detention of respondent Nos.5 & 6 along with other persons.

This Court on 28.09.2021 issued notice of motion and the learned State counsel sought time to file the report. Thereafter, the status report has already been filed by the State.

Learned counsel for the petitioner has submitted that the aforesaid person, namely, Rohit Mehta was shown to be arrested on 28.09.2021 and has already been released on default bail and so far as the

prayer for grant of writ in the nature of habeas corpus is concerned, the same has become redundant. He has however submitted that in fact the aforesaid Rohit Mehta was illegally detained on 27.09.2021 during the late night hours but was produced before the learned trial Court on 29.09.2021 even as per the status report filed by the State which was beyond the period of 24 hours. He has further submitted that in this regard a separate complaint/application was filed in the Court of learned Sessions Judge, Ludhiana which was marked to the learned Chief Judicial Magistrate, Ludhiana for conducting an inquiry. Thereafter, the learned Chief Judicial Magistrate is conducting the inquiry into the matter with regard to as to whether the aforesaid person, namely, Rohit Mehta was illegally detained or not and the said inquiry is still pending before the learned Chief Judicial Magistrate, Ludhiana and the statements are being recorded. He also submitted that since the aforesaid inquiry with regard to illegal detention is pending before the learned Chief Judicial Magistrate, he does not wish to press the prayer before this Court for grant of any compensation since the matter is pending before the learned Chief Judicial Magistrate. He has thereafter prayed that he may be permitted to further avail the aforesaid remedy by joining the inquiry in accordance with law.

Mr. Sourabh Goel, Sr. Standing counsel appearing on behalf of respondent Nos.4 to 6 has stated that it is correct that the aforesaid Rohit Mehta has since been released on default bail and the present petition seeking a writ in the nature of habeas corpus has become redundant. He further submitted that it is also correct that an inquiry was marked to the learned Chief Judicial Magistrate, Ludhiana with regard to the allegations

pertaining to illegal detention of Rohit Mehta which is still pending and some statements have already been recorded.

In view of the aforesaid factual position, nothing survives in the present petition and the same is, hereby, dismissed.

Needless to say that the petitioner will always be at liberty to pursue the complaint which she had filed and the same according to the learned counsel for the parties is pending before the learned Chief Judicial Magistrate, Ludhiana in accordance with law and take up all the legally permissible pleas available to her in accordance with law.

10.11.2022

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |