

Harman Preet Singh vs Union Of India & Ors on 2 February, 2021

Author: Jyoti Singh

Bench: Chief Justice, Jyoti Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 194/2021& CM APPLs.1542-43/2021

HARMAN PREET SINGH

..... Petition

Through: Ms. AshimaMandla with Ms.

Mandakini Singh & Mr. Abhishek Arora, Adv

versus

UNION OF INDIA & ORS.

..... Respo

Through: Mr. Chetan Sharma, ASG with

Mr. Ajay Digpaul, CGSC for UOI.

Mr. Rahul Mehra, Standing Counsel (Crl.

Mr. Chaitanya Gosain& Mr. Amanpreet Sin

Adv. for R-2/GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% 02.02.2021 The proceedings in the matter have been conducted through video conferencing.

CRL.M.A. 1543/2021(exemption) Allowed, subject to just exceptions.

Application is disposed of.

W.P.(CRL) 194/2021 & CRL.M.A. 1542/2021(for directions)

1. The present petition styled as Public Interest Litigation has been preferred with the following prayers: -

"A) Issue a writ, order or direction to the respondents to order and facilitate immediate release of all persons illegally arrested/illegally detained on/after 26.01.2021 from areas in/around Singhu Border, Tikri Border and Ghazipur border;
B) Pass any such other order or direction as the court may deem fit and proper grant in light of the facts and circumstances of the present case."

2. Learned counsel for the petitioner submits that it has come to the petitioner's knowledge through personal survey, newspaper/media reports and social activists that Delhi Police has detained 200 persons and has registered 22 FIRs in connection with the alleged violence in the farmers tractor rally on 26.01.2021. Learned counsel submits that the petitioner has collected the names of 15 such persons who are allegedly missing since 26.01.2021. Details of the said persons are enumerated in paragraph 8.7 of the writ petition. Petitioner seeks release of all such persons according to the petitioner have been illegally arrested/detained on or after 26.01.2021 from the areas mentioned in the prayer of the writ petition.

3. On a pointed question being put to the learned counsel for the petitioner about the nature of the FIRs, the allegations made therein etc. learned counsel for the petitioner was unable to give a satisfactory answer. On a mere reading of the petition it is obvious that the same is bereft of necessary details to enable the Court to take any cognizance and the averments are vague and unsubstantiated. The petition has been filed in haste with out proper research and collection of facts and evidence. In the absence of proper averments and allegations the relief sought for cannot be granted. On a further query from the learned counsel for the petitioner has to whether the relatives/friends of the persons whose names have been mentioned in paragraph 8.7 of the petition were contacted before the filing of the petition to ascertain their whereabouts, the answer was in negative.

4. In view of the above, we see no reason to entertain this petition as it is devoid and bereft of necessary details to support the allegations levelled. It appears that this is a Publicity Interest Litigation. We make it clear that we have not entered into the merits of the FIRs and the investigations underway.

5. Nonetheless, we direct the concerned respondents to complete the ongoing investigation into the alleged incidence pertaining to which some FIRs have already been registered, as early as possible and within a time bound schedule and needless to state that if any person has been arrested/detained, respondents shall take action in accordance with law.

6. With these observations, the writ petition is dismissed along with the pending application.

CHIEF JUSTICE JYOTI SINGH, 2 FEBRUARY 2021 kks