

IN THE SUPREME COURT OF INDIA

Writ Petition (Criminal) No. 1037 of 1984

Decided On: 31.08.1984

Appellants: **Bhim Singh**

Vs.

Respondent: **State of J&K**

Hon'ble Judges:

D.A. Desai and Ranganath Misra, JJ.

Counsels:

For Appellant/Petitioner/Plaintiff: Jayamala and L.R. Singh, Advs.

For Respondents/Defendant: E.C. Agarwala, Adv.

Catch Words:

Detention, Detenu, Habeas Corpus, Legislative Assembly, Liberty, State of Jammu and Kashmir, Writ of Habeas Corpus

Acts/Rules/Orders:

Constitution of India - Article 32

ORDER

1. Mr E.C. Agarwala, learned counsel for the State of Jammu and Kashmir has placed on record a copy of the teleprinter message from the concerned authority dated August 30, 1984 informing him that Mr Bhim Singh the detenu, whose detention has been challenged in this writ petition under Article 32 of the Constitution has been released on August 24, 1984. This teleprinter message is followed by a letter confirming the same. Mr E. C. Agarwala, learned counsel has authenticated the letter as well as the teleprinter message, and placed them on record.

2. Mrs Jayamala, learned counsel for the petitioner and a member of the working committee and J & K Panthers Party has filed this writ petition for writ of habeas corpus questioning the validity of the detention of Mr Bhim Singh, who is a sitting Member of the Legislative Assembly of Jammu and Kashmir State. When the letter and teleprinter message were shown to Mrs Jayamala, she said that Mr Bhim Singh has not been released because she had contacted all the possible sources enquiring about the release of the petitioner, but he could not be contacted and therefore there is reason to believe that the statement made by Mr Agarwala is not correct. We are not persuaded to accept this submission because it is difficult to believe that the State would make through its learned counsel a wholly false statement in respect of a detenu.

3. The petitioner is at liberty to take other steps if the petitioner is not released as stated by the learned counsel.

4. This petition has become infructuous and stands disposed of accordingly.
