

Neutral Citation No. - 2024:AHC-LKO:55806

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 131 of 2024

Petitioner :- Mr. Beeru Thru. His Mother Veena Devi

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko And 5 Others

Counsel for Petitioner :- Ashish Kumar Singh, Harsh Kumar Singh, Shakeel Qureshi

Counsel for Respondent :- G.A., Bipul Kumar Singh

Hon'ble Shamim Ahmed, J.

1. Heard Shri Ashish Kumar Singh, learned Counsel for the petitioner, Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4, Dr. V.K. Singh, learned Government Advocate assisted by Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and perused the material placed on record

2. On 22.07.2024, this Court has passed the following order:-

"1. Heard Shri Saubhgya Mishra, Advocate holding brief of Shri Ashish Kumar Singh, learned Counsel for the petitioner, Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4, Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and perused the material placed on record.

2. The present petition has been filed on behalf of the detenue, namely-Mr. Beeru through his mother, namely-Veena Devi praying for following main relief:-

"(i) Issue a writ, order or direction in the nature of Habeas Corpus directing the opposite party No.6 to 7 to produce the petitioner/detenue before this Hon'ble Court forthwith, and release detenue/petitioner in favour of the deponent."

3. This Court vide order dated 14.06.2024 passed the following order:-

"This Court on 21.05.2024 passed the following order:

"1. Heard.

2. Learned AGA states that instructions have been furnished by the police station Huzoorpur, district Bahraich.

3. The aforesaid instructions have been produced for perusal of this court and the same are taken on record.

4. Perusal of the aforesaid instructions would reveal that in pursuance of the information given by Shri Amarjeet, son of Shri Kailash, resident of Village

Machhiya, Police Station Huzoorpur, District Bahraich a missing report has been registered at police station Chandni Bagh, Panipat, Haryana and efforts are being made to trace the missing person/alleged detenue.

5. Learned counsel for the petitioner, at this juncture, submits that the petitioner is the mother of the detenue and she is not in a position to herself undertake efforts to trace her son.

6. Having heard learned counsel for the parties and having perused the instructions obtained by the learned AGA, the Station House Officer, Chandni Bagh, Panipat, Haryana is directed to make all-out efforts to trace the missing detenue, namely, Beeru, aged about 13 years, son of Shri Bechan, permanent resident of Machhiya Sutaouli, Police Station Huzoorpur, Tehsil Kaiserganj, District Bahraich, who was residing at Sector-12, in front of Mother Teresa, Bunalow No.9, Chandni Bagh, Panipat, Haryana and submit a report to this court annexing therewith the documentary proof of all the efforts which have been undertaken for tracing/searching the detenue.

7. Let a copy of this order be immediately transmitted to the D.G.P., Haryana for compliance through the Senior Registrar of this Court.

8. List this petition on 14.06.2024 to be taken up at 2.15 p.m."

Learned A.G.A. Sri Abhai Kumar Singh as well as Sri Vipul Kumar, Advocate, who is appearing for the opp. party Nos. 2 and 4, submits that detailed instructions have been got received by Sri Rakesh Kumar, Inspector/S.H.O., P.S. Chandni Bagh, Panipath, Hariyana, in which all the efforts done by the Police and the relevant documents have been annexed, which is on record of the court.

Sri Ashish Kumar, learned counsel for the petitioner submits that he has not received any copy of such progress-report, thus, learned counsel appearing for the opp. party Nos. 2 and 4 may be directed to give copy of progress-report done by the Police of Panipat, Haryana.

Learned counsel for the opp. party No. 2 and 4 is directed to give complete copy, so that the counsel for the applicant may go through the progress made by the Police and if he wants to file some reply of the same, he may file the same within 10 days from today.

Learned counsel for the opp. party Nos. 2 and 4 submits that further efforts are being made regarding search of the missing boy and in this regard complete report will also be filed within 2 weeks thereafter.

Accordingly, learned counsel for the opp. party No. 2 and 4 and the learned A.G.A. are directed to file further progress report in this

case, wit a copy to the learned counsel for the applicant, and submit his report within next 2 weeks.

Learned counsel for the petitioner may also file his objections, whatsoever, within 2 weeks thereafter.

List this case on 22.07.2024 as fresh.

On the next date, Superintendent of Police, Panipat is directed to recover the corpus, namely, Beeru, and produce him before this court on the next date fixed and also the details in respect of the search done by the authorities concerned in this regard."

4. Learned Counsel for the respondent No.2 and 4 filed a progress report/affidavit today in the Court on behalf of respondent No.2 and 4 in respect of investigation been carried out by respondent No.2 and 4 for recovery of the detainee, namely-Mr. Beeru aged about 13 years who is missing. The said progress report/affidavit is taken on record.

5. On perusal of progress report/affidavit filed today in the Court, it appears that the said progress report is nothing but simply an eye wash as the respondent No.2 i.e. Principal Secretary, Department of Home, Civil Secretariat, Haryana Chandigarh and respondent No.4 i.e. Superintendent of Police, District-Panipat, Haryana have not mentioned any exact detail regarding the investigation and steps taken by them to recover the detainee. Further, it is clear from the progress report that the authorities concerned are passing time and they have not even arrested or recorded the statement of the person who employed the detainee at his Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana. Even though, in the progress report/affidavit filed today, the name of the owner/occupier of Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana has not been disclosed nor any document has been annexed with the progress report/affidavit to support the arguments advanced by learned Special Counsel for respondent No.2 and 4.

6. Further, it is not in dispute that the detainee was working at Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana and the employer was taking his services and the reasons best known to the employer, the detainee got missing from his residence. In this regard, initially an FIR was also lodged under 346 I.P.C. registered as Case Crime No.0211 of 2024 on 03.04.2024 and later on, after the investigation Section 346 I.P.C. was converted to Section 365 I.P.C. as the missing person was a minor child.

7. Thus, in view of the above, this Court has no option but to direct the Superintendent of Police, Panipat, Haryana and the Station House Officer, Police Station-Chandni Bagh, District-Panipat, Haryana to appear before this Court in person alongwith the detainee on the next date of listing to explain that why the detainee has yet not been recovered after more than three months of lodging of the FIR.

8. Accordingly, the Superintendent of Police, Panipat, Haryana alongwith Station House Officer, Police Station-Chandni Bagh, District-Panipat, Haryana are directed to remain present before this Court in person on the

next date of listing alongwith detenue and with the complete details/progress report in respect of the investigation done so far.

9. Let a copy of this order be communicated to the Chief Secretary, Government of Haryana, Civil Secretariat Haryana, Chandigarh and Superintendent of Police, Panipat, Haryana through Chief Secretary, Government of Uttar Pradesh, Civil Secretariat, Uttar Pradesh, Lucknow and Commissioner of Police, Lucknow, Uttar Pradesh for the personal appearance of Superintendent of Police, Panipat, Haryana.

10. Senior Registrar of this Court is also directed to transmit a copy of this order to the Chief Secretary, Government of Uttar Pradesh, Civil Secretariat, Uttar Pradesh, Lucknow and Commissioner of Police, Lucknow, Uttar Pradesh to be communicated to the Chief Secretary, Government of Haryana, Civil Secretariat Haryana, Chandigarh and Superintendent of Police, Panipat, Haryana for necessary compliance and information, forthwith.

11. Let a copy of this order also be transmitted to Shri V.K. Sahi, learned Additional Advocate General, Uttar Pradesh and Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4 for necessary compliance and information.

12. List/put up this case on 05.08.2024 before this Court for further orders."

3. Thereafter, on 05.08.2024, this Court has passed the following order:-

"1. Heard Shri Ashish Kumar Singh, learned Counsel for the petitioner, Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4, Dr. V.K. Singh, learned Government Advocate assisted by Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and perused the material placed on record.

2. This Court vide order dated 22.07.2024 passed the following order:-

"1. Heard Shri Saubhgya Mishra, Advocate holding brief of Shri Ashish Kumar Singh, learned Counsel for the petitioner, Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4, Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and perused the material placed on record.

2. The present petition has been filed on behalf of the detenue, namely-Mr. Beeru through his mother, namely-Veena Devi praying for following main relief:-

"(i) Issue a writ, order or direction in the nature of Habeas Corpus directing the opposite party No.6 to 7 to produce the petitioner/detenue before this Hon'ble Court forthwith, and release detenue/petitioner in favour of the deponent."

3. This Court vide order dated 14.06.2024 passed the following order:-

"This Court on 21.05.2024 passed the following order:

"1. Heard.

2. Learned AGA states that instructions have been furnished by the police station Huzoorpur, district Bahraich.

3. The aforesaid instructions have been produced for perusal of this court and the same are taken on record.

4. Perusal of the aforesaid instructions would reveal that in pursuance of the information given by Shri Amarjeet, son of Shri Kailash, resident of Village Machhiya, Police Station Huzoorpur, District Bahraich a missing report has been registered at police station Chandni Bagh, Panipat, Haryana and efforts are being made to trace the missing person/alleged detainee.

5. Learned counsel for the petitioner, at this juncture, submits that the petitioner is the mother of the detainee and she is not in a position to herself undertake efforts to trace her son.

6. Having heard learned counsel for the parties and having perused the instructions obtained by the learned AGA, the Station House Officer, Chandni Bagh, Panipat, Haryana is directed to make all-out efforts to trace the missing detainee, namely, Beeru, aged about 13 years, son of Shri Bechan, permanent resident of Machhiya Sutaouli, Police Station Huzoorpur, Tehsil Kaiserganj, District Bahraich, who was residing at Sector-12, in front of Mother Teresa, Bunalow No.9, Chandni Bagh, Panipat, Haryana and submit a report to this court annexing therewith the documentary proof of all the efforts which have been undertaken for tracing/searching the detainee.

7. Let a copy of this order be immediately transmitted to the D.G.P., Haryana for compliance through the Senior Registrar of this Court.

8. List this petition on 14.06.2024 to be taken up at 2.15 p.m."

Learned A.G.A. Sri Abhai Kumar Singh as well as Sri Vipul Kumar, Advocate, who is appearing for the opp. party Nos. 2 and 4, submits that detailed instructions have been got received by Sri Rakesh Kumar, Inspector/S.H.O., P.S. Chandni Bagh, Panipath, Haryana, in which all the efforts done by the Police and the relevant documents have been annexed, which is on record of the court.

Sri Ashish Kumar, learned counsel for the petitioner submits that he has not received any copy of such progress-report, thus, learned counsel appearing for the opp. party Nos. 2 and 4 may be directed to give copy of progress-report done by the Police of Panipat, Haryana.

Learned counsel for the opp. party No. 2 and 4 is directed to give complete copy, so that the counsel for the applicant may go through the progress made by the Police and if he wants to file some reply of the same, he may file the same within 10 days from today.

Learned counsel for the opp. party Nos. 2 and 4 submits that further efforts are being made regarding search of the missing boy and in this regard complete report will also be filed within 2 weeks thereafter.

Accordingly, learned counsel for the opp. party No. 2 and 4 and the learned A.G.A. are directed to file further progress report in this case, wit a copy to the learned counsel for the applicant, and submit his report within next 2 weeks.

Learned counsel for the petitioner may also file his objections, whatsoever, within 2 weeks thereafter.

List this case on 22.07.2024 as fresh.

On the next date, Superintendent of Police, Panipat is directed to recover the corpus, namely, Beeru, and produce him before this court on the next date fixed and also the details in respect of the search done by the authorities concerned in this regard."

4. Learned Counsel for the respondent No.2 and 4 filed a progress report/affidavit today in the Court on behalf of respondent No.2 and 4 in respect of investigation been carried out by respondent No.2 and 4 for recovery of the detenue, namely-Mr. Beeru aged about 13 years who is missing. The said progress report/affidavit is taken on record.

5. On perusal of progress report/affidavit filed today in the Court, it appears that the said progress report is nothing but simply an eye wash as the respondent No.2 i.e. Principal Secretary, Department of Home, Civil Secretariat, Haryana Chandigarh and respondent No.4 i.e. Superintendent of Police, District-Panipat, Haryana have not mentioned any exact detail regarding the investigation and steps taken by them to recover the detenue. Further, it is clear from the progress report that the authorities concerned are passing time and they have not even arrested or recorded the statement of the person who employed the detenue at his Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana. Even though, in the progress report/affidavit filed today, the name of the owner/occupier of Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana has not been disclosed nor any document has been annexed with the progress report/affidavit to support the arguments advanced by learned Special Counsel for respondent No.2 and 4.

6. Further, it is not in dispute that the detenue was working at Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana and the employer was taking his services and the reasons best known to the employer, the detenue got missing from his residence. In this regard, initially an FIR was also

lodged under 346 I.P.C. registered as Case Crime No.0211 of 2024 on 03.04.2024 and later on, after the investigation Section 346 I.P.C. was converted to Section 365 I.P.C. as the missing person was a minor child.

7. Thus, in view of the above, this Court has no option but to direct the Superintendent of Police, Panipat, Haryana and the Station House Officer, Police Station-Chandni Bagh, District-Panipat, Haryana to appear before this Court in person alongwith the detenue on the next date of listing to explain that why the detenue has yet not been recovered after more than three months of lodging of the FIR.

8. Accordingly, the Superintendent of Police, Panipat, Haryana alongwith Station House Officer, Police Station-Chandni Bagh, District-Panipat, Haryana are directed to remain present before this Court in person on the next date of listing alongwith detenue and with the complete details/progress report in respect of the investigation done so far.

9. Let a copy of this order be communicated to the Chief Secretary, Government of Haryana, Civil Secretariat Haryana, Chandigarh and Superintendent of Police, Panipat, Haryana through Chief Secretary, Government of Uttar Pradesh, Civil Secretariat, Uttar Pradesh, Lucknow and Commissioner of Police, Lucknow, Uttar Pradesh for the personal appearance of Superintendent of Police, Panipat, Haryana.

10. Senior Registrar of this Court is also directed to transmit a copy of this order to the Chief Secretary, Government of Uttar Pradesh, Civil Secretariat, Uttar Pradesh, Lucknow and Commissioner of Police, Lucknow, Uttar Pradesh to be communicated to the Chief Secretary, Government of Haryana, Civil Secretariat Haryana, Chandigarh and Superintendent of Police, Panipat, Haryana for necessary compliance and information, forthwith.

11. Let a copy of this order also be transmitted to Shri V.K. Sahi, learned Additional Advocate General, Uttar Pradesh and Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4 for necessary compliance and information.

12. List/put up this case on 05.08.2024 before this Court for further orders."

3. In compliance of the order dated 22.07.2024 (quoted above), the Superintendent of Police, District-Panipat, namely-Shri Ajit Singh Shekhawat, alongwith Station House Officer, Police Station-Chandnibagh, District-Panipat, namely-Shri Rakesh Kumar Singh and Investigating Officer of the present case, namely-Rajendra Singh are present before this Court in person to assist this Court.

4. Counter affidavit filed today in the Court by Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4 is taken on record. Learned Special Counsel for respondent No.2 and 4 has explained the efforts and investigation done by the Police Department of District-

Panipat regarding the search and also the steps for recovery of the detenue, namely-Beeru taken by the concerned Police Station.

5. On query made by this Court to Superintendent of Police, District-Panipat regarding the progress in the present case, on which Superintendent of Police, District-Panipat assured this Court that he is dealing this matter at his level as the FIR has already been lodged on 03.04.2024 bearing Case Crime No.0211 of 2024 under Section 365 I.P.C., Police Station-Chandnibagh, District-Panipat. He further stated that he has instructed the Station House Officer, Police Station-Chandnibagh, District-Panipat, the Investigating Officer of the present case and entire team to recover the minor child as soon as possible without any laxity on their part. He further prayed before this Court that he may be given some further time to recover the detenue and be produced before this Court on the next date of listing.

6. The Station House Officer, Police Station-Chandnibagh and the Investigating Officer of the present case also assured this Court that whatever instructions which have been given to them by the Superintendent of Police, District-Panipat are being followed promptly and they are also dealing this matter with caution and trying their best to recover the detenue and further assured this Court that they will recover the detenue and produce him before this Court on the next date of listing.

7. Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4 also made an agreement with the statements made by the police officers, who are present before this Court in person and submits that the investigation is going on in full swing and the detenue will be produced before this Court after recovering him on the next date of listing.

8. Dr. V.K. Singh, learned Government Advocate assisted by Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 also supported the submissions made by the police officers concerned and learned Special Counsel for respondent No.2 to 4 and submit that the Police Department of State of Uttar Pradesh will ensure full cooperation to the Police Department of District-Panipat in recovering the detenue.

9. After hearing learned Counsel for the parties, the assurances given by the police officers, who are present before this Court in person and after perusal of record, this Court finds that the Superintendent of Police, District-Panipat as well as his subordinate officers are making all the endeavors to recover the detenue and are carrying out the investigation in a prompt manner, thus, this Court deems it appropriate to grant four weeks' further and no more time to the Superintendent of Police, District-Panipat to recover the detenue and produce him before this Court in person without any laxity and carelessness. Further, this Court hopes and trusts the assurances given by the officers present in person before this Court that the detenue will be produced before this Court on the next date of listing.

10. Accordingly, list/put up this case on 06.09.2024 before this Court for further orders.

11. This case shall be treated as part heard and tied up to this Bench and the question of maintainability of the present petition shall be decided by this Court on the next date of listing.

12. On the next date of listing, the Superintendent of Police, District-Panipat, namely-Shri Ajit Singh Shekhawat, alongwith Station House Officer, Police Station-Chandnibagh, District-Panipat, namely-Shri Rakesh Kumar Singh and Investigating Officer of the present case, namely-Rajendra Singh shall again appear in person before this Court to assist this Court.

13. Senior Registrar of this Court is also directed to transmit a copy of this order to the Chief Secretary, Government of Uttar Pradesh, Civil Secretariat, Uttar Pradesh, Lucknow and Commissioner of Police, Lucknow, Uttar Pradesh to be communicated to the Chief Secretary, Government of Haryana, Civil Secretariat Haryana, Chandigarh for necessary compliance and information, forthwith.

14. Let a copy of this order also be transmitted to Dr. V.K. Singh, learned Government Advocate and Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4 for necessary compliance and information."

4. Thereafter an application for listing bearing C.M. Application No.IA/2/2024 was filed by learned counsel for the respondent nos.2 and 4, wherein this Court has passed the following order on 09.08.2024:-

(Order on C.M.Application No.IA/2/2024: Application for Listing)

1. Heard Shri Bipul Kumar Singh, learned Counsel for the respondent No. 2 and 4, Dr. V.K. Singh, learned Government Advocate alongwith Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and perused the material placed on record.

2. The present application has been moved on behalf of the respondent No.2 and 4 seeking pre-ponement of the listing date of the present case, which was fixed by this Court on 06.09.2024 vide order dated 05.08.2024.

3. The ground for pre-ponement has been mentioned in paragraph No.2 and 3 of the present application, which are reproduced hereinunder:-

"2.That the detenue has been recovered. In view of the same intimation through a letter has been received by email on 09.08.2024, the relevant portion of which is as under:

"This is to inform you that the detenue has been recovered on 07.08.2024 by the member of SIT constituted for his recovery and is presently kept in shelter home in Panipat under our supervision. In view of this, kindly request the Hon'ble Court on our behalf to prepone the next listing date of the case as early as possible so that the corpus could be

produced before the Hon'ble Court and could be handed over to his parents"

3. Hence, the Hon'ble Court is kindly requested to prepone the next date of listing as early as possible. So that the corpus could be produced before this Court and the detenue could be handed over to his parents."

4. Learned Counsel for the respondent No.2 and 4 submits that the detenue was recovered by the Special Investigation Team constituted by the Superintendent of Police, District-Panipat on 07.08.2024 and is presently kept in a shelter home at Panipat under the supervision of the police authorities. He further submits that he has received an email today from the police authorities informing about the whereabouts of the detenue and the police authorities have further prayed for pre-ponement of date of listing of this case i.e. 06.09.2024, which was fixed by this Court vide order dated 05.08.2024.

5. Learned Counsel for the respondent No.2 and 4 further submits that the Superintendent of Police, Panipat, namely-Shri Ajit Singh Shekhawat has kept his assurance given to this Court and has constituted a SIT for recovery of the detenue and due to his best efforts, the detenue is now being recovered and kept in a shelter home at Panipat. He further submits that the personal appearance of the Superintendent of Police, Panipat may be exempted by this Court and this Court may direct the Station House Officer, Police Station-Chandnibagh, District- Panipat, namely-Shri Rakesh Kumar Singh and Investigating Officer of the present case, namely-Shri Rajendra Singh to produce the detenue in a safe custody before this Court on the next date of listing so that the detenue can be handed over to his mother i.e. the petitioner, namely- Veena Devi. He further submits that after the detenue is handed over to the petitioner, this Court may pass the appropriate order in this case as no useful purpose would be served in keeping the matter pending.

6. Dr. V.K. Singh, learned Government Advocate alongwith Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent No.1, 3 and 5 have no objection to the prayer made by learned Counsel for the respondent No.2 and 4.

7. After hearing learned Counsel for the parties and after perusal of record, this Court is also of the view that once the detenue is recovered due to efforts of the police authorities of District-Panipat, thus, no useful purpose would be served in keeping this matter pending. Further, this Court deems it appropriate to consider the request made by learned Counsel for the respondent No.2 and 4 and fix some date before 06.09.2024 to enable the police authorities to hand over the detenue to his mother i.e. the petitioner, namely-Veena Devi.

8. In view thereof, the present application is hereby disposed of.

9. List/put up this case on 13.08.2024 before this Court for further orders alongwith record of this case.

10. On the next date of listing, the Station House Officer, Police Station-Chandnibagh, District- Panipat, namely-Shri Rakesh Kumar Singh and

Investigating Officer of the present case, namely-Shri Rajendra Singh are directed to produce the detenue, namely-Mr. Beeru before this Court in person and the petitioner, namely-Veena Devi shall also remain present before this Court in person.

11. The personal appearance of the Superintendent of Police, District-Panipat is exempted till further orders of this Court.

12. Let a copy of this order be transmitted to Shri Bipul Kumar Singh, learned Counsel for the respondent No.2 and 4, Dr. V.K. Singh, learned Government Advocate alongwith Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent No.1, 3 and 5 and to Shri Ashish Kumar Singh, learned Counsel for the petitioner for necessary compliance and information, forthwith.

5. In compliance of the aforesaid order dated 09.05.2024, the Station House Officer of Police Station Chandnibagh, District Panipat, namely, Sri Rakesh Kumar Singh and the Investigating Officer of the present case, namely, Sri Rajendra Singh are present before this Court in person alongwith the detenue, namely, Beeru and he has been identified by his mother, namely, Veena Devi, who is also present before this Court in person.

6. The Station House Officer of Police Station Chandnibagh, District Panipat, namely, Sri Rakesh Kumar Singh submits that the detenue boy on his own will left the job from Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana and went to Asand, District Karnal for new job and from telephonic call he informed to his mother, Gram Pradhan of Village Machhiya, District Bahraich and respondent no.6, Amarjeet, thus, the whereabouts of the detenue, Beeru came in his knowledge. He further submits that after getting the information, the recovery of the child was made and now he has been produced before this Court.

7. This Court has asked the detenue whether any pressure or torture was created by the owner of Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana, he denied and stated that he was living happily and on his own sweet will he left the job and went to the Asand, District Karnal for new job. The detenue further stated that he was not kept under illegal detention at Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana nor by any other person.

8. The detenue is aged about 13 years and has been produced before this Court by the Station House Officer of Police Station Chandnibagh, District Panipat, namely, Sri Rakesh Kumar Singh and the Investigating Officer of the present case, namely, Sri Rajendra Singh and the mother of the detenue, namely, Veena Devi is also present before this Court, thus, the custody of the detenue, Beeru is being given to his mother, Veena Devi in front of this Court

as she is natural guardian and now no useful purpose will be served by keeping the instant writ petition pending.

9. Accordingly, the instant writ petition stands **disposed of**.

10. The personal appearance of the Station House Officer of Police Station Chandnibagh, District Panipat, namely, Sri Rakesh Kumar Singh and the Investigating Officer of the present case, namely, Sri Rajendra Singh is hereby exempted and the case which is pending before the Police Station Chandnibagh, District Panipat bearing Case Crime No.211 of 2024, under Section 365 I.P.C. shall be dealt by the concerned police station accordingly.

Order Date :- 13.8.2024

Saurabh