

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

HCP No.98/2025

Rukm Din Aged 45 years
S/O Munshi Din,
R/O Village Jakhed,
Tehsil Latti Marothi,
District Udhampur

....Petitioner(s)/Appellant(s)

Through :- Mr. Ajaz Chowdhary, Advocate.

V/s

1. U.T. of J&K through
Commissioner/Secretary, Home Department,
Civil Secretariat, Jammu/Srinagar.
2. The Senior Superintendent of Police (SSP),
Kathua
3. The Station House Officer, Police Station,
Nagri, District Kathua.
4. Des Raj S/O Chander R/O Basant Garh
Tehsil Basantgarh District Udhampur
5. Mool Raj S/O Des Raj R/O Basant Garh
Tehsil Basantgarh District Udhampur
6. Shanti Devi W/O Des Raj R/O Basant Garh
Tehsil Basantgarh District Udhampur
7. Hans Raj S/O Jeeto R/O Dudu Tehsil Latti
Marothi, District Udhampur
8. Jaswant Singh @ Sunil S/O Des Raj
R/O Basant Garh Tehsil Basant Garh,
District Udhampur

....Respondent(s)

Through :- Mr. Suneel Malhotra, GA.

CORAM: HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER

28.07.2025

1. The petitioner, through the medium of this Habeas Corpus petition, seeks a direction upon the official respondents to recover and produce his daughter-X (name withheld to hide identity), who was of the age of 17 years or so, was alleged to have been wrongfully confined/under unlawful custody of respondents 4 to 8 against her wishes.

2. This court, vide order dated 16.07.2025 having regard to the case set up by the petitioner and the seriousness of the allegations leveled against the respondents, had directed the official respondents to produce the daughter of the petitioner before the court. SI Ravinder Singh, Incharge Police Post, Nagri appeared on 21.07.2025 and stated that the immediate steps for the recovery of the missing girl i.e. daughter of the petitioner have been taken, however, the action has not yielded the results, till date, and sought further time, which was granted and the matter was posted for today.

3. SI Ravinder Singh, I.O. is again present today and has produced the missing girl i.e. daughter of the petitioner in the court.

4. He submits that case has been registered vide FIR No. 352/2025 at P/S Kathua for the commission of offences punishable U/Ss 137(2)/49 BNS and the investigation is in progress. As per case diary produced by him, it has been indicated that the girl had been recovered from Manali from a rented premises and that the respondent no.8 was also found in the same locality and on production of the missing girl before the competent court, she had stated that she was living on her own at Manali and did not substantiate to the allegations made by her father that she had been wrongfully confined by any of the accused.

5. The case diary as produced by the I.O. reveals that the recovered girl had been sent to Nari Niketan at Kathua. The order dated 25.07.2025, passed by District Judicial Mobile Magistrate Traffic Kathua, is also found on record of the case diary, whereby the accused Jaswant Singh, when produced for seeking police remand, was ordered to be released on personal bond observing that the offences were bailable in nature and accused had an indefeasible right in his favour.

6. Be that as it may, since the girl stated to be in unlawful confinement of the private respondents had been recovered and sent to Nari Niketan Kathua, having regard to the age of the girl being 17 years or so, she is of the age of minority, as such, her custody should have been restored to her father-the petitioner herein, who hails from Village Jakhed, Tehsil Latti Marothi, District Udhampur.

7. Investigating Agency is directed to carry on the investigation from all angles, for its logical conclusion. The Case Diary is returned to the I.O. through the learned State Counsel.

8. The petition is, thus, **disposed of** as the same does not require any further proceedings with the direction that the recovered girl, who is minor, be restored to her father-petitioner herein forthwith.

Jammu:
28.07.2025
Raj Kumar

(MA CHOWDHARY)
JUDGE