

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

CRL. MISC. No.M-28592 OF 2012
DATE OF DECISION : 29TH NOVEMBER, 2016

Ram Singh

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Raj Kumar Rana, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Sanjay Jain, Advocate for respondent No6.

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A. B. CHAUDHARI, J. (ORAL)

This is a petition filed under Section 482 Cr.P.C. for direction to hand over the investigation to CBI in respect of the missing son of the petitioner missing since 18.10.2003.

This court had issued notice of motion after the petition was presented in this Court in the year 2012. The fact, that the petition was filed 9 years after missing, itself shows seriousness of the petitioner to find out his son. That apart, this Court issued notice of motion in order to find out the efforts made by police to trace him. In my opinion, on issuance of notice by this court, the police machinery was expected to make efforts to find out the missing son of the petitioner.

Learned counsel for the petitioner has invited my attention to one report submitted by Deputy Commissioner of Police, Ambala dated 15.09.2014 that during search it was revealed that the petitioner's son boarded a truck and thereafter he went missing and that he was along with respondent No.5. The

said report does not take the case of the petitioner anywhere. Insofar as the efforts made by the police department, are concerned, in the affidavit in reply the same have been stated which I quote hereunder:

“4. That all these directions were complied by the local police, the result of which is as under:

- (i) The particulars of Baljit @ Kaka missing person were forwarded to SCRB Madhuban and NCRB through CRO.
- (ii) The advertisement about missing person was issued in newspaper and TV channels.
- (iii) Information about Baljit @ Kala was issued through SCRB for advertisement in Delhi Dariyaganj.
- (iv) Statement of Ram Singh, father of missing Baljit Singh was recorded, who stated that Baljit Singh was not having any mobile. He also stated that up till today, no information about Baljit is available and he further stated that his son had left Ambala on 15.10.2003 on a truck for Madhya Pardesh and at that time he was wearing pant, shirt and shoes. There was an identification mark of tattoo on the left side below shoulder. Baljit Singh was not having any driving license and he was perfectly physically and mentally fit when he left for Madhya Pardesh from Ambala City on 15.10.2003. On the basis of this information, the identity of the missing

person with clothes was forwarded to SCRB Madhuban through CRO.

- (v) HC Gurdev Singh had visited Village Katgora District Bilaspur (Madhya Pradesh) Truck Union and had made enquiry from truck drivers, cleaners, owners, dhabas, railway station and had also conducted enquiry on the basis of pamphlets of his identity. He had also visited railway police stations, government hospitals, police stations of District Bilaspur. At the same time, he had also conducted enquiry about the unclaimed deceased person, checked missing persons registers but none matched with the missing Baljit @ Kaka.
- (vi) The owner of truck no.HR37-4676 Sarmukh Singh was joined in the investigation who stated that missing Baljit had gone with truck on 15.10.2003 for Madhya Pradesh and he has sold the truck about 8 years ago. His son Hardeep Singh had left the house 5 years ago and no information is available about him after that and now he is untraceable.
- (vii) HC Gurdev Singh, recorded the statement of Dhaba owner Gurcharan Singh S/o Jarnail Singh Ramgaria Sikh or Village Kasnia PS Katgora where missing Baljit had enquired about train for Delhi after taking meal, who stated that he has not seen the boy after

that date (this fact was verified after seeing the pamphlet of missing boy).

(viii) That in spite of the best efforts of the local police through HC Gurdev Singh 208 and Constable Dharam Vir Singh 339, the missing Baljit could not be traced after effecting search from the record of railway police, government hospitals and railway stations of District Bilaspur.”

In view of the facts and the materials on record, I do not think that any case is made out for handing over the investigation to the CBI. Learned counsel for the petitioner cited two judgments of Hon’ble Supreme Court in the case of *Pohalya Motya Valvi versus State of Maharashtra, (1980) 1 SCC, 530* and *V. Ravi Chandran versus Union of India and others, (2009) 9 SCC 111*. These judgments, on facts, do not have any application.

In the result the petition is disposed of in terms of statement made in the affidavit filed by the police department.

29TH NOVEMBER, 2016
'raj'

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No.</i>