

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

CRM No. M-29444 of 2016

DECIDED ON: DECEMBER 19, 2016

AVTAR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE JUSTICE JASPAL SINGH

Present: Mr. APS Tung, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. Narinder Singh Lucky, Advocate
for respondent No.6.

JASPAL SINGH, J (ORAL)

Through this petition preferred under Section 482 Cr.P.C., petitioner-Avtar Singh has sought the directions to respondents No.2 to 4 to initiate legal action on the basis of DDR No. 16 dated May 17, 2016 (Annexure P-1) recorded regarding missing of his daughter namely Manpreet Kaur @ Harpreet Kaur as well as his minor grandson namely Bhawanpreet Singh.

In response to notice of motion, learned State counsel has already filed reply by way of an affidavit of Gurpreet Singh Toor, IPS, Senior Superintendent of Police, District Barnala on behalf of respondents No.1 to 4. Para Nos. 5 to 8 of the aforesaid reply are relevant for the disposal of instant petition, which are reproduced as under:-

“5 That Pursuant to the said search warrant ASI Harjinder Singh started the search of missing Harpreet Kaur @ Manpreet Kaur and minor child and during search, Manpreet Kaur @ Harpreet Kaur and

minor child Bhawanpreet Singh met him in the court complex Barnala. ASI Harjinder Singh made enquiry from above-said Harpreet Kaur @ Manpreet Kaur in the presence of her husband Jagjit Singh and recorded her statement in which she stated that her marriage was solemnized with above said Jagjit Singh on 05.10.2008 and from that wedlock a son namely Bhawanpreet Singh was born, who is now 7 years old. From the time of marriage, though she lived at Ludhiana, but her husband Jagjit Singh gave her beating many times and she was not being given money by Jagjit Singh to meet the daily house hold requirements. Then she narrated whole of this to her Jeth Balwinder Singh, but he could not solve the problems. Then she made up her mind that her future life time cannot be passed with above said Jagjit Singh. She further stated that the marriage of her brother Gurcharan Singh was fixed for 04.05.2016. On 02.05.2016, she alongwith her son Bhawanpreet Singh came to village Pandori and attended the marriage. After the marriage ceremony her husband Jagjit Singh returned back to Ludhiana on 07.05.2016. After that she came into contact with Pritpal Singh @ Sunny s/o Bhajan Singh, Caste Mistri r/o Pandori and narrated him whole of the story, who agreed to keep her with him as a friend and now she alongwith her son Bhawanpreet Singh is living with above said Pritpal Singh with her free will and wishes, without any fear or pressure and that Pritpal Singh has not kept her by alluring or kidnapping. Said Manpreet Kaur @ Harpreet Kaur also furnished an affidavit dated 20.07.2016 duly attested by Notary Public, Barnala stating therein the similar facts as stated in the said statement. Accordingly, ASI Harjinder Singh submitted report in the Court on dated 21.07.2016 on the basis of statement and affidavit furnished by Harpreet Kaur @ Manpreet Kaur that she alongwith minor child is living with above said Pritpal Singh with her own will and wishes and without any fear or pressure and she has not been kept under illegal custody by anyone. True translated copy of Affidavit furnished by Manpreet Kaur is attached as Annexure R-3/T.

6. That in view of the report dated 21.07.2016 submitted by ASI Harjinder Singh supported by statement and affidavit furnished by Harpreet Kaur @ Manpreet Kaur, the said application U/s 97 Cr.P.C. submitted by Jagjit Singh husband of above-said Harpreet Kaur was disposed off by the Court of Ld. C.J.M. Barnala vide order dated 21.07.2016. True copy of order is attached as Annexure R-4.

7. That thereafter, ASI Harjinder Singh recorded a DDR No. 19 dated 23.07.2016 in the Roznamcha of P.S. Mehal Kalan mentioning therein the detailed facts as mentioned in para No.7 supra that the DDR No. 16 dated 15.05.2016 has attained finality and no further action is required to be taken as from the above said facts and circumstances the matter is not found to be missing of a girl and minor child. True translated copy of said DDR No. 19 is attached as Annexure R-5/T.

8. That in the meantime, Avtar Singh present petitioner moved another application No. 1883 dated 24.06.2016 and enquiry into the same was conducted by SHO, PS Mehal Kalan by associating applicant Avtar Singh in the enquiry. During enquiry, applicant Avtar Singh made statement before the Enquiry Officer on 14.07.2016 that he has submitted an application about missing of his daughter Harpreet Kaur @ Manpreet Kaur and maternal grandson Bhawanpreet Singh aged 7 years on the intervening of 11-12, May 2016 and that ASI Harjinder Singh No. 285/BNL made the matter to be of missing. Now, his doubt has been cleared, as the above said ASI Harjinder Singh is helping him from all aspects and is discharging his duties very well. Now, he is satisfied and does not want any proceedings on his application, so the application submitted by him may be filed. On the basis of said statement made by the applicant Avtar Singh, SHO PS Mehal Kalan submitted report No. 116/5P dated 24.07.2016 that no action is required to be taken on the application. On the basis of said report of SHO, DSP Mehal Kalan submitted further report dated 18.07.2016 that in view of the enquiry conducted by SHO, PS Mehal Kalan, no action is required to

be taken and the same is recommended to be filed. Accordingly, the matter was seen and filed by the answering respondent on 28.08.2016. True translated copy of statement made by Avtar Singh and said enquiry report is attached as Annexure R-6/T and R-7/T respectively.”

A glance at the aforesaid paragraphs transpires that Manpreet Kaur @ Harpreet Kaur as well as her minor son Bhawanpreet Singh were never abducted/kidnaped. An affidavit has also been sworn in this regard before the investigating officer by Manpreet Kaur @ Harpreet Kaur. A statement has also been made in writing by the petitioner-Avtar Singh, which is though being disputed now by the learned counsel for the petitioner but this Court does not find any reason to disbelieve the recording of said statement by the police.

Here, it would be pertinent to mention that Manpreet Kaur @ Harpreet Kaur as well as her minor son Bhawanpreet Singh are present in Court. She has categorically stated in open Court that neither she nor her son have never been abducted or kidnapped by any person. Rather, she is living happily with respondent No.6-Pritpal Singh at her own accord, free will and volition. Even, her son is living happily with her in her care and custody as well as that of respondent No.6.

In view of the facts and circumstances narrated above, instant petition has rendered infructuous. As such, it stands disposed of accordingly.

DECEMBER 19, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*