

CRM No.M-7033 of 2011 (O&M)
CRM No.M-2674 of 2010 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 241

CRM No.M-7033 of 2011 (O&M)
Date of decision: September 01, 2016

Baljinder Kaur

.... Petitioner

Versus

State of Punjab & others

.... Respondents

2.

CRM No.M-2674 of 2010 (O&M)

Vinod Kumar

.... Petitioner

Versus

State of Punjab & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate,
for the petitioner in CRM No.M-7033 of 2011.

Mr. Ranjan Lakhanpal, Advocate,
for the petitioner in CRM No.M-2674 of 2010.

Mr. K.S. Nalwa, Addl. Advocate General, Punjab.

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JASPAL SINGH, J.

This judgment shall dispose of Criminal Miscellaneous Petitions bearing No.CRM No.M-7033 of 2011 and CRM No.M-2674 of 2010 as similar question of facts and law is involved in both the petitions.

Criminal Miscellaneous No.M-7033 of 2011 has been preferred under Section 482 Cr.P.C. by Baljinder Kaur-petitioner seeking transfer of investigation in case FIR No. 390, dated November 26, 2010, under Sections 363-A & 34 IPC, registered at Police Station Samana, District Patiala (Annexure P-2) to an independent agency as her minor daughter Sandeep Kaur has been missing for the last four months whereas by virtue of Criminal Miscellaneous No.M-2674 of 2010, Vinod Kumar-petitioner has sought direction to respondents-State to trace out his minor son namely Vaneet Kumar @ Ankush aged 7 years, who is alleged to have been kidnapped from Ludhiana on February 27, 2008 and whose release, a ransom of Rs. Two Lacs has been demanded. Both aforementioned cases pertain to the missing of minor children. In response to the order of notice of motion, status report has been submitted by the State. A perusal of status report filed by way of affidavit of G. Nageswara Rao, IPS, Inspector General of Police (Crime), Punjab, Chandigarh in CRM NO.M-7066 of 2011 reveals that all the Districts, Commissionerates and GRP in the State of Punjab have set up Special Teams/Anti Human Trafficking Units (AHTUs) comprising of two NGOs (Inspectors/Sub-Inspectors/Assistant Sub-Inspectors) and three Enrolled Police Officers (Head Constables &

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Constables), who collect all the details of missing children including their photograph, description details after meeting their family members. An ASP/DSP rank officer has been appointed as the Nodal Officer in each District/Commissionerate for monitoring the efforts to be made by the Special Team(s)/Anti Human Trafficking Unit(s) to trace out the missing children. It is further stated in the reply/status report that Inspector General of Police, Crime, Bureau of Investigation, Punjab has been designated as Nodal Officer for the State of Punjab to coordinate with the District level Nodal Officers as well as Nodal Officers of other States and Government of India, in all the cases pertaining to the missing children.

Paragraphs 5 & 6 of the status report are relevant for the disposal of these petitions which read ut-infra:-

“5. *That it is respectfully submitted that FIRs have been registered in all cases of missing children and the investigation is being carried out in the aforementioned cases of untraced children to search for the missing children in compliance with the directions issued by the Hon'ble Supreme Court in the case of WP (Cr) No. 610 of 1996 'Hori Lal Vs. Commissioner of Police, Delhi & Others' and the guidelines laid down by this Hon'ble Court in judgment dated 24.07.2012, in case titled as 'World Human Rights Protection Counsel and another versus State of Punjab and others 2012(3) RCR (Crl.) 939'.*

6. *That it is further submitted that the Hon'ble Supreme Court of India is monitoring the issue of missing children in case of 'Bachpan Bachao Andolan Vs. Union of India' (WP (Civil) No.75 of 2012), in which next date of hearing is fixed for 1.5.2015. In compliance with the directions of Hon'ble Supreme Court of India, all the Police Stations have been directed to upload the data of*

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*missing children on the web portal 'Track Child' being maintained
by Government of India.”*

In this view of the above, it is clear that proper and effective measures, steps are constantly being taken by the State to trace out the missing children. Moreover, Hon'ble Supreme Court is already seized of the matter. As such, it will not be proper, at this stage, to ask the State to form or constitute any unified police command for the cities of Patiala and Ludhiana to locate the missing individuals.

Both petitions are disposed of accordingly.

September 01, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No