

253.

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

CRWP-1143-2016

Date of decision:20.10.2016

Mehar Din

... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. M.D. Khan, Advocate,
for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for issuance of a writ in the nature of Habeas Corpus with a direction to respondents No.1 to 3 to search for the detenue, namely, Feroza.

The allegation in the petition is that the alleged detenue-Feroza is in the illegal custody of respondents No.4 and 5.

Mr. Brijender Kaushik, Advocate, has put in appearance on behalf of respondents No.4 and 5 and filed vakalatnama which is taken on record. He states that the detenue is not in the custody of respondents No.4 and 5.

Status report by way of affidavit of Ramesh Kumar, HPS, Assistant Commissioner of Police, Naraingarh, filed on behalf of respondents No.1 to 3, is taken on record. As per report so submitted, FIR

No.206 dated 05.09.2016 under Sections 363, 365 IPC, Police Station

Naraingarh, was registered on the complaint of Mehar Din son of Mojuddin, resident of Rajjo Majra (Naraingarh) against the two named accused i.e. Sadik Mohammad and Lal Din, who are respondents No.4 and 5 respectively. Learned State counsel submits that respondents No.4 and 5 have joined investigation and their respective statements read as under:-

“6. That Lal Din named accused gave statement (Annexure R-3) that, *“He is respectable Ex-Sarpanch of 3 villages i.e. Ismailpur, Sultanpur and Gadi Veeran, agriculturist by profession. That Mehar Din complainant have leveled allegations, his Bhanja i.e. sister's son Sadik Mohhamad of Wasal pur, for taking away his daughter Shama, married to Rafik S/o Gaffur of Aasrewali about 2 year ago, who is related to Sadik Mohamad, as his bua's son, vide FIR no.287, dt. 24.10.2015 U/s 346 IPC, in which they were found innocent and during investigation of said FIR, it came out that said girl was sold by Illmuddin of Village Habaspur PS Khiddrabad, who is related to petitioner-Mehar Din, as his uncle to Rohit S/o Mahipal of Shillai (HP), for Rs.30,000/-. He had never gone to vill. Rao Majra from last ¾ yrs. He had made pairvi in that case, for his sister's son involved falsely. Now, Mehar Din have again named them for elopement of his younger daughter Feroza with malafide intention wrongly without any substance. We undertake to give guaranty of respectable of area to that effect & are ready to fully cooperate with police, during investigation as and when ordered”*. Sd.Lal Din.”

“7. That named accused Sadik Mohd. Aged 21 yrs.

Mob.94666-23621, of Wasalpur, gave statement (Annexure R-4) that *“He is resident of given address and is working with Yasin S/o Basir Mohd., of vill. Baroli (Naraingarh). Mehar Din has wrongly named him and his maternal uncle Lal Din for his missing daughter Firoza. In-fact about 2 yrs back Shama, elder daughter of Mehar Din was married to Rafi of vill. Aasrewali who happens to be his Bua's son, who had left her matrimonial home without any intimation to her in-laws & Husband, on which Mehar Din got registered case against Rafi, Islam i.e both husband & Jeth of Shama's respectively, Lal Din my maternal uncle & myself, vide FIR 287 of 2015 U/s 346 IPC, PS Naraingarh. During investigation it came out that Illmudin of vill. Habaspur PS Khidrabad, who is Uncle in relation of Mehar Din, F/o Shama, had sold her for Rs.30,000/- to Rohit S/o Mahipal of Shillai (HP). Neither he nor his maternal uncle Lal Din have nothing to do with elopement of Firoza & they are ready to get the same verified from respectable of the area that they have nothing to do with alleged allegations against them. Mehar Din has given their name, due to personal enmity, against them, without any justifiable cause with malafide intention to implicate them on basis of allegation being false to his knowledge. However he along with his maternal uncle Lal Din, undertakes to join investigation as and when ordered and also disclose if any fact qua elopement of Firoza comes to his knowledge”*. Sd. Sadik Mohd.”

Learned State counsel further states that the detainee is not in the custody of respondents No.4 and 5 and the local police is conducting investigation to trace the missing girl-Feroza.

In view of above, no further orders are required to be passed in the instant petition and the same is, accordingly, dismissed.

Petitioners are at liberty to assist in the investigation.

(HARI PAL VERMA)
JUDGE

20.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.