

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 366 of 2016
DECIDED ON: APRIL 26, 2016

BALBIR KUMAR JANGRA

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: None for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J (ORAL)

Through this petition, petitioner has sought the release of his children from the clutches of Sanjay, Bhani Devi, Ashu, Inder, Ved, Ram Niwas and Rajesh.

In response to notice of motion, learned State counsel has submitted a report by way of an affidavit of Jaipal Singh, Deputy Commissioner of Police, Hisar, wherein, it has been clearly mentioned that neither wife of the petitioner namely Seema nor his children are ready to live with the petitioner. The allegations levelled in the complaint have been found to be false.

It would be apt and proper to reproduce the relevant portion of affidavit of Jaipal Singh, Deputy Superintendent of Police, Hisar, which reads

as under:

- “2. That in compliance of Hon'ble High Court order dated 21.03.2016 Superintendent of Police, Hisar has investigated the matter through Head Constable Jai Parkash No. 1253/Hisar, Police Station City Hisar. During the course of investigation on 22.03.2016 Head Constable Jai Parkash and Constable Raj Karan No. 917/Hisar visited village Thilor, District Bhiwani where they inquired Bhani Devi wife of Ramdhan R/o Village Thilor (mother of Sanjay) regarding whereabouts of Sanjay, Seema wife of petitioner and three children of the petitioner. During inquiry she told that Sanjay, Seema and children of Seema are not in touch with her for the last 4 years in case she got knowledge regarding where about of all the person she would immediately inform the Police.
3. That thereafter on 25.03.2016 Seema along with Sanjay visited Police Post, 12 Quarter, Hisar, Police Station City Hisar. In pursuance of which Seema was produced before Sub Divisional Magistrate, Hisar and information with regard to this was given to the petitioner Balbir Kumar through telephone, as the petitioner was out of station he did not appear before Sub Divisional Magistrate, Hisar and the Sub Divisional Magistrate, Hisar recorded the statement of Seema Devi, in which she clearly stated that she want to live with her three children and Sanjay. She further stated that she is not interested to reside with the petitioner. Thereafter, after seeing legal implications SDM, Hisar passed the order for sending Seema to safe House, Hisar till further orders. Copy of statement of Seema is annexed herewith as Annexure R-1.
4. That on 29.03.2016 petitioner and counsel of Seema submitted their representation before Sub Divisional Magistrate, Hisar and requested to record the statement of Seema again. Thereafter, on 30.03.2016 SDM, Hisar recorded the statement in the presence of petitioner and her counsel, in

which she stated that she is now residing in House No. 232, Vasant Vihar Colony, Karnal with her three children and 4 children of the above named Sanjayu. Copy of the statement is annexed as Annexure R-2. On the same day petitioner made a request before SDM, Hisar that he wants to meet his children and after hearing both the parties SDM, Hisar passed the order whereby he directed that Seema wife of petitioner be sent to her residential H.No. 232, Basant Vihar Colony, Karnal, with proper security.

5. That on 31.03.2016 Police accompanied Seema and petitioner at Karnal in pursuance of the orders of SDM, Hisar. Where three children of petitioner and Seema namely Heena (12 years), Ankit (aged 11 years), Kirti (aged 9 years) were found and they expressed that they would like to live with their Mother Seema. It is pertinent to mention here that the petitioner met his children and they deny to live with the petitioner.”

A glance at the aforesaid paragraphs of the report transpires that neither the wife of petitioner nor his children are ready to live with the petitioner. Rather, the children have expressed that they would like to live with their mother Seema.

In view of the afore-said circumstances, no further action is required and as such, the same is dismissed.

APRIL 26, 2016
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(JASPAL SINGH)
JUDGE