

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

**Criminal Writ Petition No.1190 of 2016
Date of Decision:-03.08.2017**

Roop Ram and another

...Petitioners

Versus

State of U.T. Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Deepinder Brar, APP
for the U.T. Chandigarh
assisted by SI Minni Bhardwaj.

Mr. H.S. Hooda, Sr. Advocate with
Mr. Vivek Gupta, Advocate
for respondent Nos.4 and 5.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Article 226 of the Constitution of India is for issuance of direction to respondents No.2 and 3 to produce the daughters of the petitioners, namely, Rubi and Jyoti, who are illegally detained by private respondents No.4 and 5.

Respondent No.4-Bimla is *Bua* of the alleged detenues, whereas respondent No.5-Suman is daughter of respondent No.4-Bimla.

On 11.11.2016, this Court while noticing the contentions of the parties that

it is a common case of the parties that whereabouts of Rubi and Jyoti are not traceable, has directed the SSP, Chandigarh to constitute a Special Investigating Team (SIT) so as to locate the alleged detenues, namely, Rubi and Jyoti. The petitioners, who are parents of the alleged detenues were also directed to associate the SIT constructively so that the whereabouts of the detenues could be traced. Pursuant to the aforesaid order dated 11.11.2016, the SIT was constituted. Detenues Rubi and Jyoti are in the age group of around 25 and 27 years respectively.

Learned counsel for the petitioners apprehend that the detenues might have gone in the company of Preetmohinder @ Happy, who is husband of respondent No.5-Suman.

Learned APP has filed the status report by way of affidavit of SSP Dr. Eish Singhal, Chandigarh. As per the status report, the SIT has made strenuous efforts to locate the alleged detenues and for that purpose FIR No.3 dated 5.1.2017, under Section 363 IPC was registered at Police Station Sector 39, Chandigarh on the basis of complaint of the petitioner-complainant Roop Ram. Respondents No.4 and 5 namely Bimla and Suman have duly been associated in the investigation. The neighbours have also been questioned in the matter for verification of the facts. The affidavit further suggest that complainant has informed the SIT that the detenues are residing in Pune with Vikram, who is brother of Preetmohinder @ Happy. Vikram is residing in Pune with his family. The team not only visited Pune, where Preetmohinder @ Happy was staying with his brother Vikram, even Vikram was also joined in the investigation. For effective investigation, the

SIT had also visited the village Beri (Jhajjar) where the petitioners are otherwise residing, but no fruitful outcome came from the said pursuit, as members of the families instead of co-operating with the investigating officers started playing blame games with each other.

Learned APP states that despite the strenuous efforts done by the police, whereabouts of the alleged detenues are not located, therefore, the allegation that the alleged detenues are in the custody of respondents No.4 and 5, is not based on any material.

In view of the stand taken in the status report submitted by the SSP, Chandigarh, the sincerity of the police cannot be doubted as police has visited all possible places so as to locate these girls, but their whereabouts could not be ascertained. In view of the report so submitted by Chandigarh police, no further order is required to be passed in this petition. Therefore, the present petition is disposed of.

However, the police shall continue to put sincere efforts to locate the detenues/girls Rubi and Jyoti.

August 03, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No