

\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3403/2017**

ABDUL SAKIR Petitioner
Through Mr. Suman Jhakar, Advocate

versus

STATE (NCT OF DELHI) Respondent
Through Mr. Rahul Mehra, Standing counsel
(Crl.) with Mr. Tushar Sannu, Mr.
Prashant Singh and Mr. Chaitanya
Gosain, Advocate for State with
SI Pardeep Kumar, P.S.Kapashera

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE I.S. MEHTA

ORDER
05.12.2017

%

1. This is a habeas corpus petition for a direction to the Respondent to produce Suman, who is stated to be a worker employed by the Petitioner who was carrying out the work of demolition of the Uppal Hotel near National Highway, Link Road. The Petitioner claims to have a 45 % share in the said work while his partners Shahabuddin and Rashid had a 55% share.

2. The case of the Petitioner is that on 29th September 2017, a dispute arose at the work site when two officials of Uppal Hotel are claimed to have approached the Petitioner and demanded payment of Rs.2,00,000/- after

issuing threats to the Petitioner. The Petitioner claims that he refused to comply with their demands and left the work site, while asking the said Suman to remain. On the same day, the older brother of Suman informed the Petitioner that Suman had been shot at while on the project site. The Petitioner states that he contacted the police soon thereafter. The police inquired from him on 30th September 2017 about the details of the incident but, thereafter made no effort to trace Suman despite repeated requests and several visits to the police station.

3. The status report dated 4th December 2017 by the SHO of Police Station (PS) Kapashera, handed over in Court today by Mr. Rahul Mehra, Standig counsel for the State, however, projects a very different set of facts. While the report acknowledges that a call was made by one Abdul Sakir, it further states that he was found on 6th October 2017 to be in an inebriated state and refused to even meet the Investigating Officer ('IO') or share any details regarding his complaint. The status report states that the Petitioner was contacted once again on 15th October 2017 by phone but he refused to make any statement regarding his complaint. Upon making inquiries with the persons associated with Uppal Hotels, it transpired that they had an agreement with Rashid and Shahabuddin but not with anyone by the name of Abdul Sakir. There was also no report of any dispute on the site on 29th September 2017 and no labourer named Suman was present at the site.

4. The SHO states in the status report that even on 21st November 2017, the Petitioner herein was contacted but did not respond. It is stated that till date, the Petitioner has failed to provide any details (i.e. parental address, present

address, family details, etc.) regarding the alleged missing person, Suman.

5. Having heard the learned counsel for the parties, the Court is satisfied that this is not a case where any directions are required to be issued regarding production of Suman when it is not clear whether there is such a person at all.

6. The details of the alleged missing person are best known only to the Petitioner. Therefore, it is entirely up to the Petitioner to cooperate with the SHO, PS Kapashera and divulge all the details he knows about Suman so as to enable the SHO to proceed further in the matter.

7. No further directions are called for in this petition.

8. The petition is accordingly dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

DECEMBER 05, 2017

sr