

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

**COCP 2430/2016 (O&M)
Date of decision:26.02.2018**

Ram Chand

.....Petitioner

v.

Rajpal Singh,SHO PS Nangal

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.AS Syan,Advocate for the petitioner
Mr.Manoj Bajaj,Addl.AG Punjab for respondent

Jaswant Singh,J,(Oral).

Petitioner has filed the instant contempt alleging disobedience of the order dated 26.2.2016 passed by Hon'ble the Supreme Court as the respondent has allegedly presented challan in the Court of Illaqa Magistrate despite the order dated 26.2.2016 passed by Hon'ble Supreme Court and during pendency of proceedings before this Court.

In nut shell Krishan Garg-grandson of the petitioner was allegedly kidnapped. He lodged FIR No.101 dated 30.7.2014 under Sections 365 IPC, PS Nangal,Rupnagar. The petitioner thereafter filed CRM-M 28304/2014 before this Court for issuance of time bound directions to the police authorities to get the investigation expedited. The said petition was disposed of on 1.12.2015 on the statement of ASI Sardar Singh that within four months report under Section 173 Cr.PC would be presented before the Area Magistrate. The petitioner against filed CRM-M 267 of 2016 for free,fair and impartial investigation into the said FIR. The said

petition was dismissed vide order dated 8.1.2016 with the observations that no ground for passing fresh order was made out. Petitioner approached Hon'ble the Supreme Court which vide order dated 26.2.2016 allowed the appeal filed by the petitioner and remitted the matter back to this court for proceeding with the same in accordance with law.

Now coming to the present contempt, upon notice replies/status reports have been filed from time to time. In the earlier status reports/replies efforts undertaken to trace out the missing boy, like publication in the CIA Gazette, informing Child Helpline, publication of notices in newspapers, cable TV, pasting of notices at bus stands, railway stations, religious places of prominence at Punjab and Himachal Pradesh, were listed.

As per latest reply/status report dated 22.2.2018 by way of affidavit of Raminder Singh Kahlon, DSP, Sub Division Sri Anandpur Sahib polygraph examination of Suresh Kumar/complainant (father of kidnapped boy) and suspect namely Surinder Pal Singh was conducted while suspect Jagdev Singh Kuku did not undergo the said test due to his medical conditions. Further, as per said affidavit, Directorate of Forensic Science, Gandhi Nagar, Gujarat has conducted Brain Electrical Oscillation Signature Profiling upon complainant-Suresh Kumar and suspect Surinder Pal Singh on different dates and report of the said tests do not point suspects to have committed the crime as alleged by the complainant. As per said Brain Electrical Oscillation Signature Profiling if missing Krishana was ill treated at his home or he might have come to know that he was an adopted child/not liked then in such circumstances he could have left his house on his own. Besides, it is further submitted that the Special

Investigation Team constituted to investigate the matter has come to the conclusion that no offence of kidnapping or demand of ransom are found to have been committed in the present case. The Investigating Officers investigated every aspect of the case and every lead has been explored. In the end it is stated that though the whereabouts of grandson of the petitioner are still not traceable, the police will continue with its endeavor to find out the missing grandson of the petitioner.

In view of the above, in my opinion, despite the respondents conducting investigation in a professional and scientific manner, unfortunately the whereabouts of petitioner's grandson are still not traceable. It is equally true that in view of the steps being taken by respondents in investigating the case and the assurance to keep the hunt on for locating missing boy, no contempt is made out, as alleged by the petitioner.

Dismissed.

Since the main case stands dismissed the application seeking impleadment of complainant-father also stands dismissed.

26.02.2018

joshi

(Jaswant Singh)

Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No