

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

240

Criminal Misc. No. M-37554-2015

Date of Decision: May 08, 2018.

MOHAN LAL

..... PETITIONER

Versus

STATE OF PUNJAB AND ORS

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikram Jeet Singh, Advocate,
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

LISA GILL, J.

Prayer in this petition is for directing the respondents to search/trace out the minor grandson (son of the petitioner's daughter) who is missing since 09.06.2013.

It is submitted that the petitioner's daughter was married with one Madan Lal. Allegations of ill-treatment and harassment at the hands of his son-in-law were raised. FIR No. 112 dated 11.07.2013, was initially registered under Section 306 IPC, against the petitioner's son-in-law and others at Police Station Chamkaur Sahib, District Rupnagar. Thereafter, Section 498A, 304B of IPC were added. Dead body of the petitioner's daughter was recovered from the Sirhind Canal. Cause of death was found to be poisoning. The petitioner's son-in-law and his father were convicted by the learned Additional Sessions Judge, Rupnagar, vide judgment dated 30.10.2017.

It is contended that the petitioner's grandson had also gone missing with the petitioner's daughter. His daughter's body was found in the Sirhind Canal but the minor grandson was never traced out. It is further contended that the child

is still alive. Reference is made to an affidavit dated 25.01.2017 executed by one Suresh Chander and Gopal Lal. Learned counsel submits that it is highly improbable that the petitioner's daughter would have taken minor child alongwith her after consuming poison and jumped into Sirhind Canal with the child. It is thus, prayed that this petition be allowed.

Learned counsel for the State, submits that the petitioner earlier filed CRWP No. 1022 of 2014 seeking a writ of Habeas Corpus for production of his grandson. Reply on behalf of the State was duly filed in the said case. It was specifically mentioned therein that even as per the statement of the petitioner in the proceedings under Section 174 Cr. P.C. recorded after the death of his daughter, he had stated that his daughter was ill-treated by his son-in-law and she committed suicide by plunging into the canal alongwith her minor child. Dead body of his daughter was traced out from the canal but the child could not be traced out. It was opined by the divers that since the canal is katcha and child being an infant might even have been devoured by the water animals. The said CRWP No. 1022 of 2014 was dismissed as withdrawn with liberty to the petitioner to avail alternative remedy as available to him, in accordance with law. It is thus contended that the present petition under Section 482 Cr. P.C. seeking similar relief, though couched in different words is not maintainable.

In the reply filed in the present petition by way of affidavit dated 10.02.2016 of Smt. Kanwardeep Kaur, IPS, Assistant Superintendent of Police, Sri Chamkaur Sahib, District Roopnagar, it is specifically mentioned that in case the petitioner is able to furnish any kind of information regarding the minor child still being alive, all kind of assistance shall be rendered to him for tracing out the minor child. As per another affidavit dated 23.05.2016, filed by Kanwardeep Kaur, IPS, Assistant Superintendent of Police, Sri Chamkaur Sahib, District Rupanagar, in this case, it is mentioned that call detail records of certain mobiles

numbers of persons suspected to be having the custody of the minor child given by the petitioner were thoroughly examined and verified but no clue of the minor child being in custody of any other person or being alive was found.

Learned counsel for the State reiterates that in case the petitioner is still able to furnish any kind of evidence/proof regarding the minor child being alive, necessary action shall immediately be taken thereon.

Keeping in view the above facts, no further orders are called for in this case.

Petition is disposed of.

May 08, 2018
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Whether speaking/reasoned
Whether reportable

(LISA GILL)
JUDGE

Yes/No
Yes/No