

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

CRWP-1358-2017

Decided on: 31.05.2018

Ashok Kumar

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Ms. S.R. Padhy, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J (ORAL)

This writ petition under Section 226 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ of Habeas Corpus directing the respondent to produce Yogesh Kumar and his scooty No. DL-55 BL 9570 has been filed by the petitioner-Ashok Kumar, father of Yogesh Kumar.

Inter alia, in the writ petition, it is stating that Yogesh Kumar left home on 19.07.2017 at about 6:30 a.m. on his scooty and, thereafter, his whereabouts are not known.

On information being given to police, FIR No.156 dated 21.07.2017 had been registered for an offence under Section 346 IPC, but nothing substantial has been done in the case.

On notice being served, the respondent-State put in appearance and filed written reply containing therein that petition is not maintainable.

After registration of the FIR, pamphlets regarding missing of Yogesh Kumar were got circulated, details and description of Yogesh Kumar were uploaded on the ZIPNET to find out his whereabouts, but to no effect. The investigating officer visited the area where the petitioner and his son had been residing. Several persons were joined in the investigation, but no clue could be found out.

Investigating Officer had visited Bus stand, Railway Station, Temples, Dharamshalas, Guest Houses alongwith pamphlets and photographs of Yogesh Kumar showing the same to public as well as management of those institutions, but no information regarding him could be found out. Details and description of Yogesh Kumar were sent to Prasar Bharti, Bhartiya Prasaran Nigam, Aakashwani, Delhi to broadcast the news regarding missing of Yogesh Kumar, with an appeal to general public to provide information, but to no effect. Several other steps were taken, but no information regarding Yogesh Kumar could be collected despite best efforts.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record, but I find that the official respondent has taken all possible steps to trace out Yogesh Kumar, though, the steps have not proved fruitful.

Therefore, the present writ petition is disposed of directing the respondent to keep the factum of Yogesh Kumar being missing from home in mind, while police of the State investigate the other criminal cases and if, any clue is found, then further investigation in the FIR be conducted.

(H.S. MADAAN)
JUDGE

31.05.2018
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No