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

+ **W.P.(CRL) 2637/2016**

BABITA DEVI

..... Petitioner

Through: Mr. Ram Kumar & Mr. L.K. Dixit,
Advocates along with petitioner in
person.

versus

STATE OF HARYANA & ORS.

..... Respondents

Through: Mr. Arun Bhardwaj, AAG along with
ASI Jan Mohd., PS – Wahin, and
District – Palwal (Haryana), for the
State of Haryana / respondents No.1
to 4.

Mr. Rohit K. Singh, Advocate for
respondents No.5 to 9/ State of
Rajasthan.

Mr. Sanjay Lao, ASC and
Mr.Chaitanya Gosain, Advocate
along with Inspector Tanvir Singh,
PS-DIU/NE, for the GNCTD/
respondents No.10 & 11.

Mr. Anil Mittal & Ms. Komal
Aggarwal, Advocates for the State of
UP.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

03.01.2018

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1. The present writ petition filed to seek a writ of Habeas Corpus for production of the petitioner's husband and her brother-in-law, who went

missing on 16.11.2015, has been pending since September 2016.

2. From time to time, this Court has issued several directions and called for status reports from the State of Rajasthan, the State of Haryana and the State of Uttar Pradesh, apart from the Union Territory of Delhi. The status reports have been filed on record.

3. The petitioner's husband and her brother-in-law had gone to Alwar (Rajasthan) to attend a Court hearing, however, they did not appear before the Court. The petitioner apprehended that her husband and her brother-in-law may have been encountered in an operation conducted against the "Meva Gang" – jointly conducted by the teams of Rajasthan Police and Haryana Police.

4. Affidavits/ status reports have been filed by both the State of Rajasthan and the State of Haryana to the effect that the operation against the "Meva Gang" was started in the early hours on 13.11.2015, whereas the petitioner's husband and her brother-in-law had left Delhi only on 14.11.2015. They had also reached Rajasthan on 16.11.2015. The said States have made a categorical statement that the husband and the brother-in-law of the petitioner were neither arrested, nor killed in any encounter.

5. Since there was some confusion with regard to the point of time at which the said operation was conducted, further affidavits were called for to clarify the position as to whether the operation was started on 12.11.2015 or 13.11.2015. Replies/ status reports have been tendered in Court today by learned counsel representing the States of Haryana and the State of Rajasthan, and both state that the operation was started at 0030 hours on

13.11.2015 from PS-Bhiwadi and the said joint operation was completed at 10:00 a.m. on 13.11.2015. The DD entries recorded in this respect have also been annexed with the status reports.

6. In view of the aforesaid, we see no purpose in undertaking any further proceedings in the present case. We are satisfied that sufficient efforts have already been made to locate the missing husband and the brother-in-law of the petitioner. However, the police authorities in the State of Uttar Pradesh, the State of Rajasthan and the State of Haryana as well as the Delhi Police are directed to continue with their endeavours to locate the missing persons and to keep the petitioner informed of the same on monthly basis. In case the petitioner has any further leads and they are provided to the said police forces, the same shall also be looked into by them.

7. Since the petitioner's husband and her brother-in-law, apparently, were lastly in Rajasthan, it is left open to the petitioner to approach the appropriate and competent authorities in that State, and to also approach the competent Court in that State in case the petitioner is so advised.

8. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

P.S.TEJI, J

JANUARY 03, 2018

B.S. Rohella