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

+ **W.P.(CRL) 3965/2018**

BRAHM SINGH

..... Petitioner

Through: Mr. V.K. Malik, Advocate with

Mr. Manoj, S/o. Mr. Brahm Singh

versus

STATE & ORS.

..... Respondents

Through: Ms. Kamna Vohra, ASC for the State
with SI Gunjan Singh, AHTU/Crime Branch

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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10.01.2019

CRL. M.A. 50761/2018 (Exemption)

Allowed, subject to all just exceptions.

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1. Pursuant to the order dated 02.01.2019, a fresh Status Report has been filed by the ACP/AHTU Crime Branch, Rohini, Delhi stating *inter alia* that the residence of Ms. Kanchan Rao with whom the petitioner's son, Mr. Vinod Kumar has eloped, was visited where her mother, respondent No.3, was examined. Respondent No.3 had stated that the petitioner's son, Vinod Kumar and her daughter, Kanchan Rao were in love with each other and they used to meet regularly and he would even stay overnight at her house.

2. On 24.09.2018, Vinod Kumar had come to the house of the respondent No.3 to meet her daughter, had stayed there overnight and in the morning of 25.09.2018, he and Kanchan Rao had gone to Kotak Bank and withdrawn a sum of Rs.10,00,000/- from her account. This fact was

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confirmed on conducting an enquiry at Kotak Bank, Sector 16, Faridabad, Haryana, where on scrutinizing the CCTV footage, the petitioner's son and Kanchan Rao were found to be present in the bank. The petitioner had also identified his son in the CCTV footage shown to him. The CDR of the mobile numbers of Vinod Kumar and Kanchan Rao and the mobile numbers of their family members, friends, business partners, etc. have been obtained but on scrutinising them, no clue has been found. The mobile phones of both, Vinod Kumar and Kanchan Rao are stated to be switched off ever since they went missing.

3. As the petitioner has levelled allegations of threats being extended to him by the respondent No.4, uncle (mama) of the missing girl, who is working on the post of Dy. Superintendent of Police, CBI, Ranchi, the police team had gone to Ranchi to interrogate him but it is stated that he has not given any clue about the missing persons.

4. At this stage, learned counsel for the petitioner states on instructions that the petitioner's nephew, Virender Khari, resident of Delhi had recorded a conversation on his mobile phone with the respondent No.4, who had informed him that it was at his instance that the local police was directed to go slow in the matter and not take any coercive steps. He states that despite the petitioner's insistence that this angle be investigated, no steps were taken by the local police in that regard. Now that the matter has been assigned to the Crime Branch, the taped conversation between Virender Khari and the respondent No.4 has been handed over to them yesterday. The above angle may also be investigated and a fresh Status Report filed.

5. In the meantime, the petitioner is directed to file the process fee within one week for issuing notice to the respondents No.3 and 4, by speed post, courier as also through electronic mode, if their email ID's are available, returnable on the date fixed. The notices to be issued to the respondents No.3 and 4 shall state that counter affidavits, if any, be filed within two weeks with copies to the counsel for the petitioner and the learned ASC.

6. List on 06.02.2019.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 10, 2019

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