

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRWP No.4159 of 2021
Date of decision: 12.07.2021

AMAR CHAND

...PETITIONER

VS.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Mukesh Yadav, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

(Through Video Conferencing)

HARINDER SINGH SIDHU, J.

The petitioner has filed the present petition under Article 226 of the Constitution for the issuance a writ of Habeas Corpus directing the official respondents No.2 to 5 to recover the detenu (daughter of the petitioner) from illegal custody of respondent No.6 to 8.

It is stated that on 17.10.2020 at about 4:30/5.00 pm the daughter of the petitioner went to fetch milk on her Scooty but she did not return. Respondent No.6 is alleged to have telephonically informed the petitioner that she was at his home. The petitioner then tried to contact his daughter on her mobile phone but the mobile phone was switched off. The petitioner then gave a call to respondents No. 6 to 8 but received no definite answer regarding the whereabouts of his daughter. The petitioner thereafter, went to meet respondent No.7 who informed the petitioner that the daughter of the petitioner was seen with respondent No.6 in a Wagon-R car. The car was later found in a burnt condition. But the whereabouts of the daughter

of petitioner were not known.

In reply affidavit filed on behalf of the official respondents, it has been stated that on the basis of the allegations FIR No. 447 dated 18.10.2020 under Section 346 was registered regarding the disappearance of the daughter of the petitioner-complainant. The burnt battery of the car was taken into possession. The CCTV Cameras installed at Village Mandolla were analysed by the Investigating Agency. Posters of the daughter of the petitioner who had gone missing and respondent No.6-Rajbir were posted at prominent places. Drone Cameras were also used to locate the whereabouts of the daughter of the petitioner. The investigation was handed over to CIA staff, Rewari.

A letter purportedly written by the daughter of the petitioner was received in the office of Superintendent of Police, Rewari. The letter was posted from Baddi, District Solan, (H.P.). The place from where the letter was posted was searched. However, the whereabouts of daughter of the petitioner could not be located. On receipt of a report from the Regional Forensic Science Laboratory the letter has been found to be in the hand of the daughter of the petitioner. Various leads supplied by the petitioner with respect to phone calls of suspected persons were also taken note of. Those persons were joined in investigation. On a complaint received from the petitioner on 01.03.2021 alleging that his daughter had been abducted by respondent No.6 offence under Section 365 IPC was added. Respondent No.6 was arrested. He was joined in investigation during which he admitted that the daughter of the petitioner had fled away with him but he disclaimed any knowledge about her present whereabouts. But in his subsequent disclosure statement respondent No.6 deviated from his earlier disclosure

statement. It is asserted that despite the best efforts of the Investigating Agency whereabouts of the daughter of the petitioner has not been ascertained. The matter is under investigation. It is further stated that the daughter of the petitioner was not found to be under the illegal detention of the private respondents.

In view of the aforesaid reply, no directions are required to be given in the present petition and the same is disposed of.

It would open to the petitioner to avail any other appropriate remedy.

12.07.2021

Poonam Sharma

**(HARINDER SINGH SIDHU)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No