

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRWP No. 431 of 2021 (O&M)
Decided on : 30.11.2022

RAJINDER PAL

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: None for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

Present petition has been filed one Rajinder Pal, aged about 60 years, seeking direction to take legal action against private respondents i.e. Aarti w/o Raj Kumar (respondent No. 5) and Sandeep (respondent No. 6) and also to protect the life and liberty of the petitioner from them.

Along with petition one complaint dated 08.06.2020 (Annexure P-2) has also been attached having being addressed to SSP, Rupnagar (respondent No. 2) against respondents No. 5 and 6.

In response to the petition, reply in the shape of affidavit has been filed by Ravinderpal Singh, PPS, Deputy Superintendent of Police, Rupnagar, District Rupnagar, Punjab on behalf of respondents No. 1 to 4.

Paragraphs No. 2, 3, 4 and 5 says as under:

2. *That it is respectfully submitted that on 29.04.2020, petitioner informed respondent no.4 that his son Vijay Kumar was working as driver, left the house on 28.04.2020 at about 07:00PM, on his four wheeler (Chota Hathi) bearing No.HP-12- K-1957 by saying that he has to transport wheat from Rupnagar to Nuhon Colony, but Vijay Kumar did not return to the house and they searched for him and his four wheeler (Chota Hathi) mentioned above was found under the canal bridge of village Ahmedgarh, District Rupnagar, and his purse and*

phone were found in the vehicle mentioned above. It was further submitted alleged by petitioner that they searched for Vijay Kumar in their relatives but no clue regarding him came into light. It is further submitted that the in this regard DDR No.15 dated 29.04.2020, was entered in the relevant register at Police Post Ghanauli, District Rupnagar.

3 That it is further submitted that the uproar (Shor-e-Goga) notices with the photographs and particulars of the Vijay Kumar (missing son of petitioner) have been issued and published and sent to the entire police stations of State of Punjab. It is further submitted that wireless messages to the police stations of Punjab, Haryana, Himachal Pradesh and Chandigarh were also flashed and photograph and particulars of Vijay Kumar (missing son of petitioner) were also sent to CRO Branch and CIA for publishing the same in their gazette. It is further submitted that the answering respondent also made search of Vijay Kumar on the banks of the Bhakhra Canal and record of unclaimed bodies was also verified from railway police and from police stations in which the Bhakra Canal is spread. The posters of Vijay Kumar with his photograph and particulars were also pasted on the prominent religious places such as Gurudwaras, temple etc. of Sri Anandpur Sahib, Rupnagar, Fatehgarh Patiala, Nangal and Naina Devi etc. but unfortunately no clue regarding Vijay Kumar (missing son of the petitioner) came into light.

4. That it is respectfully submitted that on 08.06.2020, petitioner moved a complaint No.214-PGO dated 08.06.2020, to Deputy Commissioner, Rupnagar, alleging that his son Vijay Kumar and respondent no.5 were having intimacy with each other and TAR that respondent no.5 and 6 in connivance with each other, have made his son missing and petitioner sought legal action against the respondent no.5 and 6.

5. That the complaint dated 08.06.2020, of the petitioner was received in the office of Senior Superintendent of Police, Rupnagar, and the same was marked to Superintendent of Police (City), Rupnagar, for inquiry. It is further submitted that thorough inquiry into the allegations of the petitioner was made by the Superintendent of Police (City), Rupnagar. It is further submitted that during inquiry respondent no.5 and 6 were associated into the inquiry and they were thoroughly inquired by the inquiry officer, the Call Detail Record (CDR) and tower locations of relevant date and times, of their mobile phones was obtained and perused and from thorough inquiry it was found that the Vijay Kumar and respondent no.5 used to talk on mobile phone and on 28.04.2020, also they both had talked to each other, but the tower locations of mobile phone of Vijay Kumar and respondent no.5 was not the same, rather the tower location of respondent no.5 was at his house and whereas, the tower location of the Vijay Kumar (missing son of the petitioner) was at the place where his four wheeler was found parked. It is further submitted that of tower location of mobile phone of respondent no.5, on 28.04.2020, is found at Ludhiana, and respondent no.5 has been found ill from the last more than two years, as such from thorough inquiry carried out by the Superintendent of Police (City), Rupnagar, respondent no.5 and 6 were not found involved in the case of gone missing of son of the petitioner and accordingly, Superintendent of Police (City), Rupnagar, recommended to file the complaint of the petitioner and accordingly, the same was considered by the Senior Superintendent of Police, Rupnagar, and ordered to be filed in the office, however, respondent no. 4 has been directed by the Senior Superintendent of Police, Rupnagar, to make efforts to locate the missing son of the petitioner. In view of the facts and circumstances mentioned hereinabove the

instant petition is liable to be dismissed.

Perusal of the file reveals that after filing of reply, matter was never argued and petitioner sought time for arguing the matter on 17.02.2022, and thereafter, on 08.07.2022, none appeared from the side of petitioner.

Today, again, there is no one present on behalf of the petitioner.

However, looking at the reply filed by the State and also conduct of the parties who are not appearing before the Court to assist, this Court has no other option except to dispose of the present petition by observing that in view of the response/reply of the State available on record, there is nothing with counsel for the petitioner to rebut or address the arguments. In view of the above, present petition stands disposed of as having become infructuous.

However, petitioner is at liberty to move an appropriate application or a fresh petition as per law, if he/she genuinely feels that some issue is still left to be considered by this Court.

Disposed of, at this stage.

(SANJAY VASHISTH)
JUDGE

November 30, 2022

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*