

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23962-2018
Reserved on: 25.02.2022
Pronounced on: 17.03.2022

Amar Singh
...Petitioner(s)
Versus
State of Haryana & others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Rakesh Dhiman, Advocate
for the petitioner(s).
Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
96	18.02.2016	Palam Vihar, Gurugram	365 IPC

Suspecting his brother-in-law’s involvement in the missing of his young son way back on 13.08.2015 owing to dispute due to usurping of land compensation, the petitioner has come up before this Court primarily seeking proper investigation.

On 18.02.2016, petitioner made a written complaint to SHO, Police Station, Palam Vihar, Sector 22, Gurugram, stating that his son Pradeep, who had gone for an outing with his friends, did not return home on 13.08.2015. In the complaint, he suspected the role of his brother-in-law Jai Bhagwan, respondent No.5, in the missing of his son, because the wife of the petitioner along with her brother had received compensation on account of acquisition of ancestral property and Jai Bhagwan had usurped huge portion of the share of petitioner’s wife and there was a quarrel in the families due to their financial issue. On 24.09.2015, the police had registered a missing person report vide G.D. No.27 at Police Station, Palam Vihar, Gurgaon. At that time, the petitioner had not apprehended any suspicion on anybody and had simply stated that his son had gone for an outing with his friends but did not return home.

On 25.02.2022, this Court had retained the investigation file in order to go through the entire investigation conducted by the police. I have heard learned counsel for the parties and gone through the investigation file.

A perusal of the investigation file reveals that initially, the missing person report was entered and subsequently, the FIR was registered. The investigation remained focused only to the extent of making publication in newspapers and through All India Radio about missing of Pradeep. In the year 2016, the police also obtained call details, which are from page Nos.25 to 336 of the investigation file. After that, there is one photograph and one page investigation conducted on 26.11.2016. Subsequently, summary of the investigation report dated 20.12.2016 is on the investigation file. That is all. There is not even a single document about investigation after the last page.

On 01.08.2018, Assistant Commissioner of Police, Udyog, Gurugram had filed a detailed reply.

In this petition, the first prayer of the petitioner was to grant protection of life and property. In this regard, it is specifically mentioned in the reply that the petitioner and his family members gave statement on 21.07.2018 that there was no need of police protection because none has threatened them. Although in the petition, it is contended that statements were not given and signatures were taken on a blank paper, this Court finds no reason to disbelieve the averment in the reply at this stage.

The second prayer in the writ petition is that respondent No.5 is pressurizing the petitioner to withdraw the FIR and compromise the matter. In this regard, the police has placed on record statement of Amar Singh, the petitioner, recorded on 21.07.2018, in which he has specifically stated that neither they required any police protection nor anybody had threatened them. But he had specifically stated in his statement that he wanted his son back. He also named Jai Bhagwan as an accused and sought action against him. As mentioned earlier, the perusal of the investigation file reveals that nothing was done after this reply was filed on 21.07.2018. Even at the time of filing the reply, nothing was done in the entire year of 2017. When the matter was argued, the petitioner still claimed that the missing person has not been traced.

The third prayer of the petitioner is to conduct the investigation from some senior officers by constituting a Special Investigation Team or through an independent agency.

Given the lackluster approach of the police in the investigation, this Court is fully satisfied and is of the considered opinion that the investigation has practically not taken place from the end of year 2016. Even in the year 2016, investigation just focused on making publication of a missing person report in the newspapers and nothing was done to trace the missing person. Given this, the investigation is not at all satisfactory and it needs to be transferred.

Accordingly, Director General of Police, Haryana, respondent No.2, is directed to pass an appropriate order within 10 days from today transferring the investigation to some competent and efficient wing, with a further direction to get the investigation completed in a time bound manner.

The Court Secretary has handed over the investigation file to Mr. Rajat Gautam, learned Deputy Advocate General, Haryana on 16.03.2022, for onward transmission to the investigating officer.

The petition is allowed in the terms mentioned above. The application(s), if any, shall stand disposed of.

(ANOOP CHITKARA)
JUDGE

March 17, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.