

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27052-2022 (O&M)
DECIDED ON: 23.11.2022

RANJEET SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. S.S. Nain, Advocate
for the petitioner.

Mr. P.K. Aggarwal, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-22041-2022

Allowed as prayed for.

CRM-M-27052-2022

In the instant petition invoking jurisdiction under Section 482 Cr.P.C., a direction has been sought to call the entire record from the office of respondents No.3 and 4, relating to steps taken and investigation conducted, in relation to the written complaint dated 13.04.2022 (Annexure P-1), submitted by the complainant, to the Station House Officer, Police Station Butana, District Karnal.

The contents of the complaint dated 13.04.2022 (Annexure P-1), reads as under:-

“It is requested that my daughter today 13.04.2022

was reading outside the house and Amritpal Singh son of

Sh. Medha Singh, Munish son of Sh. Sitaram and Aryan son of not known in connivance with other kidnapped Gurpreet Kaur, the minor handicapped daughter of the applicant and when the applicant came to know, the applicant called on No.112 and the police reached our farm house and when the police officials strictly asked the criminals, they spilled the whole secret and told that my daughter is being held hostage at a Pandit's house in Kamalpur village. On which the police recovered my daughter from there. Kindly take strict legal action against the criminals”

Another complaint dated 15.04.2022, has also been made, which is annexed as Annexure P-2, with the present petition, alleging that the daughter of the petitioner, namely Gurpreet Kaur was kidnapped by Munish son of Jeet Ram and Aryan son of not known on 13.04.2022, when she was sitting outside the house. It has been though alleged in the complaint dated 13.04.2022 (Annexure P-1), that the daughter of the petitioner is minor and handicapped.

The respondent-State was called upon to file status report, after going through the complaints (Annexures P-1 and P-2), and examining the same, in response to which, first status report dated 01.08.2022, by way of affidavit of Himadree Kaushik, IPS, Assistant Superintendent of Police, Indri, District Karnal was filed, wherein it has been mentioned that the police officials recovered the daughter of the petitioner from the house of the Pandit, situated in Village Kamalpur and as per the orders of CWC, Karnal,

after counselling and complete physical check-up as well as UPT Test, the daughter of the petitioner was left in MDD Bal Bhawan, Karnal and was directed to be produced before the CWC, Karnal on 15.04.2022. The daughter of the petitioner then was produced before CWC, Karnal, in the presence of her parents and her custody was handed over to the parents under the orders of CWC, Karnal. Daily Diary Report No.11, dated 15.04.2022 was entered by LHC Deepa with an undertaking by the parents of Gurpreet Kaur, binding them with certain conditions, whose age was recorded in that undertaking as 17 years and 9 months.

Thereafter, again vide order dated 17.08.2022, a fresh status report was called upon from the State, after conducting the inquiry by Superintendent of Police, Karnal. In compliance to the said order, a status report dated 19.10.2022 was filed on behalf of the State.

A perusal of the status report dated 19.10.2022, demonstrates that the allegations of kidnapping of the daughter of the petitioner could not be substantiated as the inquiry has revealed that the daughter of the petitioner went out to village Kamalpur herself without any coercion or inducement on the part of suspects. The said inquiry has been conducted in pursuance to the order dated 17.08.2022, passed by this Court, on which date, Gurpreet Kaur has attained the age of majority, if the age as mentioned in the order dated 15.04.2022, passed by CWC, Karnal in form No.20 in the shape of undertaking from parents, is taken to be correct.

The assertion raised by the counsel for the petitioner that the daughter of the petitioner is minor and cognizable offence under Section 366

IPC is clearly made out against the accused persons and the police was under

the obligation to register the FIR at the first instance, is totally unwarranted as the whole petition does not diverge neither the age nor the date of birth of the daughter of the petitioner, though, it has transpired before the CWC, Karnal during the course of inquiry that Gurpreet Kaur does not want to take legal action against the alleged accused persons with regard to her kidnapping. Even otherwise, under the directions of this Court, a comprehensive detailed inquiry has been conducted and the status report dated 19.10.2022, was filed and in case the petitioner is left with any other grievance, he is at liberty to take appropriate action in accordance with law.

The present petition does not survive in any manner in the light of the status report filed by the State and hence, is disposed off in the above said terms.

(SANDEEP MOUDGIL)
JUDGE

23.11.2022

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>