

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31093-2022

Date of decision : 20.7.2022

Harshita Sharma and others

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Rakesh Nehra, Senior Advocate with
Mr. Sauhard Singh, Advocate
for petitioners.

Mr. R.K. Singla, DAG Haryana.

-.-

-.-

HARINDER SINGH SIDHU, J.

Petitioner No. 1 is daughter of Mohit Kumar Sharma, petitioner No. 2 is wife of Mohit Kumar Sharma and petitioners No. 3 and 4 are parents of Mohit Kumar Sharma.

A suit for recovery of Rs. 3,20,98,699/- was instituted by M/s Ashish Industrial Corporation against M/s R.S. Industries and Mohit Kumar Sharma, proprietor/authorized signatory of M/s R.S. Industries. The suit was decreed. Thereafter, execution proceedings were instituted wherein vide order dated 11.7.2022, learned Additional District Judge-cum-Presiding Judge, Exclusive Commercial Court at Gurugram, issued warrants of arrest against Mohit Kumar Sharma for 3.8.2022. The warrants of arrest were directed to be sent to Commissioner of Police, Gurugram with a request to entrust the same to a police officer not below the rank of Inspector for execution.

It is the case of petitioners that fearing his arrest, Mohit Kumar Sharma had left his house. His whereabouts are not known to his family members. On 12.7.2022 at about 10.30 pm, a police team alongwith SHO, Police Station Sector 10 A, Gurugram came to the house of petitioners and took away petitioner No. 1. Petitioner No. 2 went in search of petitioner No. 1 and found that she was locked up in Shivaji Nagar Police Station. It is alleged that petitioners are being harassed by official respondents with a view to know the whereabouts of Mohit Kumar Sharma.

Without in any way opining on the veracity of the allegations in the petition, this petition is disposed of with a directions to respondents that in case, presence of petitioners is required in connection with any inquiry/investigation/complaint/proceeding, the procedure as contemplated in Code of Criminal Procedure be strictly followed.

(HARINDER SINGH SIDHU)
JUDGE

20.7.2022

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No