

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

265

CRWP-218-2018 (O&M)
Date of decision: 20.07.2022

SEEMA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ORS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

Mr. Kushagra Mahajan, Advocate
for respondent Nos.2 and 3.

VINOD S. BHARDWAJ. J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of *habeas corpus* seeking recovery of the sister of the petitioner namely Neena Mehta daughter of Joginder Pal.

The petition had been filed alleging that Neena Mehta was residing with respondent No.4-Sandeep Kumar (brother of the petitioner as well as alleged detinue Neena Mehta) and that her brother and sister-in-law are of quarrelsome nature having an evil eye on her property. It is alleged that her sister has been either harmed or has been illegally detained by the said respondents in order to take undue advantage and to stake claims over the property in question. Pursuant to the notice having been issued, a status report by way of an affidavit of Ravinderpal Singh, PPS, Deputy Superintendent of Police, Sub-Division Ajnala, Amritsar-Rural has been filed on behalf of respondent Nos.1 to 3 wherein it has

been stated that the applications submitted by the petitioner were duly inquired into and the said applications regarding maltreatment of Neena Mehta or that she was being illegally or forcibly detained or was under any imminent danger to life and liberty have not been found to be substantiated. It has been further contended that even the parental family of the petitioner does not have any largesse and there is only one house built on an area of 100 sq.yds. It was pointed out that the alleged detinue Neena Mehta was married thrice and had obtained divorce on 02 occasions. Her mental condition was unstable and that she had gone missing with effect from 17.02.2017 and a report in this regard was recorded at Police Station Lopoke and even a lookout notice had been issued. The relevant extract of the said report as reproduced as under:-

“4. That these applications were enquired into by ASI Samuel Masih posted at Police Station Bhindi Saidan. During the enquiry, the present petitioner, private respondents, Joginderpal father of the petitioner and respectable persons of the village Bheelowal Pakka were joined in the enquiry, which was conducted impartially and in a fair manner. On the basis of this enquiry, it was revealed that Neena Mehta (sister of the petitioner) was married thrice and she had got divorced twice. Her mental condition was not well, hence she used to come back to her parental house. For this reason, her parental family had transferred their house in the name of Neena Mehta. On 07.05.2015, Neena Mehta had gone to Dera at village Dhesian, District Jalandhar for community service, but thereafter she did not come back home. An information in this regard was given by Joginderpal father of the petitioner at Police Station Lopoke on 24.05.2015. As far as allegations leveled by the petitioner in her applications against the private respondents, the same did not get substantiated. Therefore, these applications have been consigned to office on

01.04.2016. The report submitted in this regard by the then Deputy Superintendent of Police, Rajasansi, Amritsar (Rural) is annexed herewith as **Annexure R-1/T** for kind perusal of this Honble Court.

5. That now again on receiving copy of the present petition, an enquiry has been got conducted through ASI Narpinder Singh posted at Police Station Lopoke, Amritsar-Rural, with regard to the allegations being leveled in the present petition by the petitioner. During which statements of Joginderpal-father of the present petitioner and all the private respondents Nos.4 to 7 and of respectable persons of village Bheelowal Pakka have been recorded. On the basis of present enquiry conducted, it has been revealed that parental family of the petitioner is a poor family and they have only one house built in an area of 100 square yards. But the petitioner demands share out of this house from her father. For this reason, their relations are not cordial with each other and the petitioner is leveling false allegations against the private respondents for kidnapping her sister Neena Mehta (alleged detainee).

But according to the facts revealed during enquiry, it has been revealed that Neena Mehta (alleged detainee) was married thrice and she had got divorced twice and again she was married third time at Chheharta, Amritsar with Pawan Kumar. In the month of May 2015, Neena Mehta had gone to religious dera situated at village Dhesian, District Jalandhar. But she went missing from this religious place. The parental family of the petitioner tried their level best for the search of Neena Mehta and missing report was also got recorded on 17.02.2017 at Police Station Lopoke and hue and cry notice has also been issued in this regard on 17.02.2017 and efforts are being made for the search of Neena Mehta (alleged detainee). But no clue has been found with regard to her present whereabouts. The statements and hue and cry notice are annexed herewith as

Annexure R-2/T to R-7/T for kind perusal of this Hon'ble Court.

*6. That it is submitted that a joint statement of the respectable persons of the village Dalle has also been recorded by the enquiry officer. They all have stated that mental condition of Neena Mehta (alleged detenue) was not well and she had gone she had gone somewhere for about 2 years due to upset mental condition, she has not come back till today. The family of Hardeep Singh does not know anything in this regard and they have taken their responsibility. The joint statement is annexed herewith as **Annexure R-8/T** for kind perusal of this Hon'ble Court.*

7. That it is most respectfully submitted that keeping in view totality of the facts and submissions made here-in-above, it is evident that enquiry into the present matter has been conducted twice by the police of police station Bhindi Saidan in the year of 2016 and now again by the police of police station Lopoke. But the allegations being leveled by the petitioner with regard to kidnapping of Neena Mehta (alleged detenue) by the private respondents have not got substantiated. Whereas, Neena Mehta (alleged detenue) is missing since 7.5.15 from religious dera situated at village Dhesian, District Jalandhar and her present whereabouts are not known. However, efforts are being made to trace out Neena Mehta."

Response has also been filed by the brother and sister-in-law of the petitioner reiterating the averments that Neena Mehta had gone to pay obeisance at Satsang Ghar, Desiya on 18.03.2015 and had not returned. Complaints were also filed by the father of the parties to the Police Station to trace the whereabouts, however, the same remained inclusive.

The scope of the instant petition in the nature of habeas corpus is to produce a person who has been illegally detained or against whom any threat of

life and liberty is expressed. The aforesaid circumstances are neither made out from perusal of the petition nor is there any element to suggest that the alleged detenue namely Neena Mehta has been illegally detained by the private respondents. It has also not been disputed by the learned counsel for the petitioner that the mental condition of Neena Mehta was not stable. Under the given circumstances, the only issue which arises is regarding the efforts to trace out the whereabouts of Neena Mehta who has gone missing, however, the same *ipso facto* does not fall into the scope of a writ petition jurisdiction in the nature of *habeas corpus*.

The present petition is accordingly dismissed as withdrawn with liberty to the counsel for the petitioner to take recourse to the alternative remedies available to the petitioner in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

July 20, 2022

S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No