

**(239) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43434-2020

Date of Decision: 13.12.2022

Kelo Devi @ Kelopati

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Amarjit Beniwal, Advocate for
Mr. Ravi Malik, Advocate
for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANDEEP MOUDGIL, J. (Oral)

In the instant case, prayer was made for issuance of directions to the officials respondents No.3 to 5 for handing over the investigation of the case FIR No.136 dated 08.05.2020 registered under Section 346 IPC at Police Station Jind Sadar, District Jind, to respondent No.2 i.e. State Crime Branch, District Jind, Haryana, or some other independent agency.

The averment made by the petitioner in the present case is that his son Sanjay has been missing since 4.3.2022 after he had taken Zambo truck to Govindgarh, Punjab.

Vide order dated 22.12.2020, the State of Haryana was called upon to file status report and in pursuance thereof, an affidavit of Ravi Khundia, Deputy Superintendent of Police, Detective Jind, District Jind, dated 7.12.2022, has been filed and the same is taken on record. A copy thereof has been handed over to the learned counsel for the petitioner.

In paragraph 3 of the said affidavit, it has been depicted that following efforts were made by Special Investigation Team (SIT) to locate the missing Sanjay son of the petitioner:

(i) *On 23.11.2022, news regarding missing of Sanjay*

alongwith his photographs were got published in Hindi News Paper 'Danik Uttam Hindu' dated 23.11.2022;

(ii) On 28.11.2022, photographs alongwith poster of missing Sanjay were sent at Whatsapp group of district CIA Jind and all Harayna CIA by Incharge, Detective Staff, Jind (Member SIT). Similarly on that day photographs and poster of missing Sanjay alongwith particulars of the case, were sent at Social Media and Whatsapp group of Police Officer by Station House Officer, Police Station Sadar Jind.

(iii) On 29.11.2022, Sub Inspector Birbal, Member SIT, visited at Gobindgarh Mandi and conducted investigation at the place from where Sanjay son of the petitioner was missed in the year 2020. Photographs and posters of missing Sanjay were shown to people with the request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places in the area of Police Station Sirhind, Transport Officer Kukar Majra, Punjab, Rosha Factory Gobindgarh, Jaliwala Hotel Gobindgarh, Police Station Amloh Fatehgrah, Police Station Nabha and Patron of Punjab. The crime registers and records of unclaimed dead bodies of concerned Police Stations of were also checked.”

Thereafter, during the course of investigation, in paragraph 4, it is mentioned that effort were made to locate missing Sanjay-son of the petitioner:

(i) On 08.05.2020, the persons acquainted with the facts of the case were joined in the investigation of the case and enquiry was made from them. Further on the same day information regarding missing of Sanjay was sent to all Superintendent of Police in the State of Haryana. During the course of investigation of the case from the statement of the witnesses, it has been found that on 03.03.2020, Sanjay son of the petitioner, alongwith respondent No.6-Vikram son of Chadi Ram, resident of Roopgarh, after loading iron scrap from Jind

in vehicle of respondent No.8-Vicky son of Chander Singh went to Gobindgarh Mandi (Punjab) where Sanjay consumed liquor with Rinku, driver of another vehicle of Vicky-respondent No.8. Sanjay after leaving the vehicle in unclaimed conditions went some where and later on 05.03.2020, Vikram and Rinku along with vehicle returned back Jind.

(ii) On 16.05.2020, call details of mobile No.94660-17010-Sanjay missing, 70150-36658 Rinku son of Satyawar, driver of another vehicle/in whose company, he (Sanjay) had consumed liquor at Gobindgarh Mandi were procured and analyzed in scientific manner and found that missing Sanjay has made last time telephonic conversation from his mobile on 04.03.2020 from Gobindgarh Mandi and on 05 & 06.03.2020 there is no telephonic conversation on this mobile. On 07.03.2020, the mobile phone again came into operation and since then this mobile is with the petitioner. It has also been found that on 04.03.2020, Sanjay after consuming liquor left the mobile phone in vehicle and thereafter came with vehicle at Jind and on 07.03.2020, the same was handed over to his mother-petitioner. At the time of missing, Sanjay was not having any mobile with him.

(iii) On 31.05.2020, call details of mobile numbers 822229-02482 of Rinku, 85700-72561 and 98179-02028 his maternal uncle, for the period from 20.02.2020 to 15.03.2020 were procured and analyzed.

(iv) On 19.06.2020, news regarding missing of Sanjay was telecasted at Hisar Doordarshan.

(v) On 22.06.2020, the petitioner joined in the investigation of the case and her supplementary statement u/s 161 Cr.P.C was recorded.

(vi) On 30.06.2020, Rinku @ Bintu son of Satyawar, resident of Ahirka, with whom missing Sanjay had telephonic conversation, was joined in the investigation of the case and enquiry regarding whereabouts of Sanjay, was made from him.

(vii) On 06.07.2020, the respondent No.6 Vikram son

of Chandi, resident of Roopgarh-conductor/helper of Sanjay, was joined in the investigation of the case and enquiry was made from him.

(viii) On 10.07.2020, Sunil son of Chander, resident of Jawahar Nagar, Jind was joined in the investigation of the case and enquiry was made from him.

(ix) On 15.07.2020, the Investigating Officer after accompanying with Pawan- a relative of the petitioner, Sunil-owner of vehicle, Bittu son of Satyawan and Vikram-respondent No.6 visited at Gobindgarh Mandi and conducted search of missing Sanjay. The crime register and record of unclaimed dead bodies of concerned Police Stations of Gobindgarh Mandi were also checked. Photographs and posters of missing Sanjay were shown to people with the request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places.

(x) On 17.07.2020, again search of missing Sanjay was conducted and poster / photographs of missing were shown at the Hotel where they used to take meal. On enquiry, one Rajesh son of Indal, resident of Fatehpur Sikrahat district Bhojput (Bihar) (a tea shopkeeper) disclosed that on 03.03.2020 and 04.03.2020, the missing Sanjay under the influence of liquor several times crossed in front of his shop and also consumed tea at his shop, but thereafter he was not seen there.

(xi) On 22.08.2020, facts and investigation of the case were verified by the Station House Officer, Police Station Sadar Jind and during this exercise a total of 10 persons, including the petitioner-complainant, respondent No.6 and 7, were joined in the investigation and enquiry was made from them. On verification/enquiry, it has come on file that Sanjay-missing was habitual drunkard and on 04.03.2020 he had missed from Gobindgarh Mandi. There is no clue about the whereabouts of missing Sanjay. As a result of which the Tation

House Officer, Police Station, Sadar Jind directed the Investigating Officer to prepare untraced report in this case. On 26.08.2020, the Station House Officer, Police Station, Sadar Jind has prepared untraced report in this case, but the same was not accepted by the Senior Officers and vide order No.8366-74 dated 18.02.2021 issued by the then Deputy Inspector General-cum-Superintendent of Police, Jind a Special Investigation Team headed by Deputy Superintendent of Police, Jind (Supervisory Officer of Police Station), consisting of Incharge, Detective Jind, SI Birbal Singh, Police Station Sadar Jind and ASI Vinod Kumar No.166/SRS of Police Station Sadar Jind as members was constituted to conduct further investigation of the case and to conduct search of missing Sanjay son of the petitioner.

(xii) On 04.03.2021, necessary consent for polygraph test from the suspect of the case namely Vikram and others was sought.

(xiii) On 06.03.2021, Sonu son of Subhash, resident of Roopgarh was joined in the investigation of the case and enquiry about the whereabouts of missing Sanjay was made from him.

(xiv) On 10.03.2021, Gagan son of Naveen, resident of Panipat, Parmanand son of Mahender, resident of Bass Kajan and suspect namely Rinku were joined in the investigation of the case and enquiry about the whereabouts of missing Sanjay was made from them.

(xv) On 27.03.2021, photographs and posters of missing Sanjay were shown to people in the area of Police Station Sadar Jind with request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places.

(xvi) On 30.03.2021 and 02.04.2021, Mohan son of Dariya and Naresh son of Pale Ram, both residents of Roopgarh were joined in the investigation of the case and enquiry about the whereabouts of missing Sanjay was made

from them.

(xvii) On 31.05.2021, polygraph test of the suspect was to be got conducted at Forensic Science Laboratory, Madhuban, but due to their ill health the same could not got conducted and correspondence regarding refixing of date of polygraph test was made.

(xviii) On 29.06.2021, polygraph test of the suspects namely Vikram son of Chandi Ram and Rinku @ Bintu son of Satyawar was got conducted at Forensic Science Laboratory, Madhuban.

(xix) On 01.10.2021, polygraphs test report dated 30.06.2021 was received and analyzed and according to which nothing incriminatory could be brought out against them.

(xx) On 18.10.2021, photographs and posters of missing Sanjay were shown to people in the area of Kurukshetra City with the request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places.

(xxi) On 08.01.2022, HC Vijay Kumar of Detective Staff, Jind visited at Gobindgarh Mandi, Sirhind, Fatehgarh Sahib and photographs and posters of missing Sanjay were shown to people with the request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places.

(xxii) On 09.01.2022 and 10.01.2022, photographs and posters of missing Sanjay were shown to people in the area of Haridwar and Rishikesh with the request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places.

(xxiii) On 16.06.2022, SI Birbal Singh visited at Mansuri, Dhanshali and Dehradun (UK) and photographs and posters of missing Sanjay were shown to people with the request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places.

(xxiv) On 01.09.2022, search of similar description unknown and unclaimed dead bodies was made at Zip Net, but on search no person of similar description was found.

(xxv) On 06.09.2022 photographs and posters of missing Sanjay were shown to people in the area of Police Station Sadar Jind with the request to identify the photographs. Posters alongwith photograph and particulars of missing person were also affixed at the important places.

(xxvi) On 09.09.2022, updated record of the missing persons was sent to Director, SCRB, Madhuban.

(xxvii) On 15.09.2022, the petitioner-complainant was joined in the investigation of the case and enquiry was made from the petitioner.

(xxviii) On 16.09.2022, Vicky owner of the truck was joined in the investigation of the case and enquiry about the whereabouts of missing Sanjay was made from him.

In view of the investigation conducted and enquiry of various complaints, it has been found that no incriminatory evidence to substantiate the charges of missing of Sanjay son of the petitioner levelled against respondents No.6 to 8 came on file and allegations levelled against them were also found false and frivolous.

In the light of the aforesaid affidavit and averments made by the investigating agency, the instant petition does not survive at this stage. However, the petitioner will be at liberty to take appropriate remedies at any stage as and when he comes out with more details or any particulars or any incriminating material against any person including the suspected persons.

Disposed of accordingly.

(SANDEEP MOUDGIL)
JUDGE

13.12.2022
rajeev

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No