

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

226

CRM-M-29427-2019 (O&M)

Date of order: 25.08.2023

Sher Singh

.....Petitioner(s)

Vs.

State of Punjab & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Tejinder Pal Singh, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

Nidhi Gupta, J.

Prayer in present petition filed under Section 482 Cr.P.C. is for issuance of direction to respondents No.2 and 3 for protection of life and liberty of the petitioner's minor daughter and his family members, and to arrest the accused persons in case FIR No.75 dated 13.04.2019 registered under Sections 363 and 366-A IPC at Police Station City Sangrur, District Sangrur, and for safely handing over petitioner's daughter to the parents.

2. Learned counsel for the petitioner submits that on 12.04.2019, the petitioner along with his elder son Rinku Kumar had gone to PGI, Ghabdan for labour work, where they were working separately. At about 11 am, his son Rinku Kumar along with Dharminder and Chota resident of Dr. Ambedkar Nagar, Sangrur had come to him, and Chota told him that today his younger brother Ramesh s/o Lal Singh resident of Dr.

Ambedkar Nagar, Sangrur had taken away his daughter Anu. After informing his Thekedar, he sent his son Rinku Kumar along with above said Dharminder and Chota to the house and after some time, he returned to his home. He and his family searched for his daughter, but they could not trace her.

3. Learned counsel submits that the petitioner and his family are very much scared and apprehend that their minor daughter may have been killed by the accused persons and therefore, prayed that the accused be arrested and daughter of the petitioner be recovered.

4. Status report was filed in the matter on 17.09.2019 by way of affidavit of Satpal Sharma, PPS, Deputy Superintendent of Police, Sub Division, Sangrur. Vide order dated 12.07.2023, this Court had directed the learned State Counsel to file latest updated status report in the matter. In compliance thereof, learned State Counsel files status report by way of affidavit of Lovepreet Singh, PPS, Deputy Superintendent of Police, Sub-Division, Sangrur dated 24.08.2023 which is taken on record and copy of the same is supplied to the counsel opposite.

5. Learned State Counsel submits that during investigation, statements of the witnesses were recorded. Date of birth certificate of the victim was obtained, according to which her date of birth is 04.06.2003, as per which she was minor as her age was 15 years 10 months and 8 days on the date of registration of present FIR. Native village of accused is Pusawali, Tehsil and Police Station Ganaur, District Sanval (UP). Raids were conducted and sincere efforts were made by the local police to arrest the accused and

trace the minor girl (victim), however, no clue of both of them has been found.

6. Then on 14.08.2019, learned trial Court had issued warrants of arrest of the accused Ramesh, but the warrants could not be executed due to non-availability of whereabouts of the accused. Thereafter, learned trial Court had issued proclamation of the accused for 02.09.2019 and service of proclamation was effected by ASI Jaspal Singh on 31.08.2019. Learned trial Court recorded the statement of ASI Jaspal Singh and vide order dated 12.12.2019, declared the accused-Ramesh as proclaimed offender.

7. Learned State Counsel further submits that as per the facts emerged during investigation, offence under Section 366 IPC was found to be made out instead of Section 366-A IPC. Challan against accused-Ramesh was presented in the Court on 29.02.2020 (as PO). The case was fixed for hearing before the learned trial Court on various dates, however, neither the accused could be arrested nor he surrendered before the learned Court. Therefore, the Court of learned JMIC-1, Sangrur vide order dated 01.02.2023 ordered the file to be consigned to the record room under Section 299 Cr.P.C. with liberty to the prosecution to move an application for revival of case on the arrest/surrender of accused.

8. It therefore transpires that despite all possible efforts made by the authorities/police to arrest the accused, they have been unable to apprehend the accused and the victim, as they are untraceable.

9. In view of the above facts, which are not disputed by the learned counsel for the petitioner, no further directions are warranted in the present case. Present petition accordingly stands **disposed of**.

10. Pending application(s) if any also stand(s) disposed of.

25.08.2023
Sunena

(Nidhi Gupta)
Judge

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