

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

Decided on: 18.07.2023.

(1)

CWP-2801-2013 (O&M)

JASWANT SINGH

...Petitioner

Versus

STATE OF PUNJAB & ORS

...Respondents

* * *

(2)

CRM-M-24379-2015 (O&M)

JASWANT SINGH

...Petitioner

Versus

STATE OF PUNJAB & ORS

...Respondents

* * *

(3)

CWP-21-2020 (O&M)

DALJIT SINGH

...Petitioner

Versus

STATE OF PUNJAB & ORS

...Respondents

* * *

(4)CWP-80-2020 (O&M)

OCTOBER SINGH...Petitioner

Versus

STATE OF PUNJAB & ORS...Respondents

* * *

(5)CWP-18134-2019 (O&M)

MAHA SINGH...Petitioner

Versus

STATE OF HARYANA AND OTHERS...Respondents

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

Present: Ms. Sukhpreet Kaur Grewal, Advocate,
for the petitioner(s).

Mr. Satya Pal Jain, ASGI with
Mr. Dheeraj Jain, Sr. Panel Counsel, Union of India,
for the respondents/Union of India.

Mr. R.S. Dadwal, Advocate,
for respondent No.6 in CWP-2801-2013.

Ms. Gehna Vaishnavi, Advocate, for Union of India
In CWP-2801-2013 and CWP-18134-2019.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ. J (ORAL).

The present order shall dispose of the above noted batch of five petitions.

Learned counsel appearing on behalf of the petitioner(s) submits that the prayer made in the present petitions is for transfer of investigation with respect to the missing persons who were allured to travel abroad by the travel agents either on fake documents or by trafficking routes and are missing or unheard. She contends that there are as many as 105 persons in Punjab who are missing and whereabouts whereof are not known. Even though, the petitioners have made repeated attempts to approach the police for registration of the case and to trace their missing children, however, effective steps are not being taken by the State Instrumentalities. Since the cases pertain to the students/persons illegally moving out of the country, the jurisdiction of the State police is further restricted and there is a lot of inter-dependence on Central Agencies. She contends that she would be satisfied if the cases/complaints that have been received/registered by the State of Punjab in relation to the missing persons and subject matter of dispute in the present batch of petitions are sent to Anti Human Trafficking Unit of the Central Bureau of Investigation at Delhi for investigation/Inquiry.

Learned counsel appearing for the respondents/State of Punjab, State of Haryana as well as Union of India have no objection to the said prayer being allowed.

The facts in these cases have reached a deadlock. The State Agencies have expressed their inabilities and restrictions on their

authority since there is a heavy inter-dependence on Central Agencies for seeking details from the Ministry of External Affairs, Immigration and Emigration Department, the Passport Office as well as Interpol. The cases have remained pending in this Court for nearly 10 years and no much headway could be made.

The gravity arises from a large number of young people who have gone missing and there seems to be no clue.

Taking note of the peculiar facts of the present case, the counsel for both the State Governments as well as the Additional Solicitor General of India fairly concedes that the matter may be referred to the Anti-Human Trafficking Unit of the Central Bureau of Investigation (CBI) for examining the issue and to take appropriate steps.

Accordingly, the present petitions are disposed of with the consent of parties and with a direction to transfer investigation of the registered criminal cases and/or the complaints that are part of the present case with the respective States of Punjab and Haryana to the Anti-Human Trafficking Unit of the Central Bureau of Investigation at Delhi. In the event of receipt of the cases/complaints by Anti-Human Trafficking Unit of the Central Bureau of Investigation at Delhi, an appropriate action in accordance with law shall be initiated.

Pending misc. applications, if any, shall also stand disposed of accordingly.

A photocopy of the order be placed on the file of each connected case.

July18, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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