

284

2024:PHHC:017112

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21946-2022
DECIDED ON: 07.02.2024

TARUN KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for issuance of directions to respondents No.1 to 3 to consider the representation of the petitioner and to trace out the wife of petitioner namely Shreya, who is missing since 04.12.2021 and an FIR No.89 dated 05.12.2021, under Section 346 of IPC was registered at Police Station MDC, Panchkula.
2. Status report filed by way of an affidavit of Sh. Surender Singh HPS, ACP Panchkula Zone-I is taken on record.

The relevant extract of status report is reproduced hereinbelow:-

“That in compliance of order dated 03.08.2022 the police continued tracing the missing lady and her Adhar card details were provided to the cyber cell. Meanwhile a new Number 9303165259 was purchased using the Adhar Card of Shreya Ghai i.e., the missing lady. On 16.10.2021 ACP Surender Singh Panchkula Zone I called on the above stated number(9303165259) from the official number (8146630800) and the call the received by the missing lady herself. The missing lady

was informed about her missing report regarding which she informed the police that she herself has left the premises of Tarun Kumar on 08.12.2021 since she was never married to Tarun Kumar (Petitioner) and was under threat from him. The missing lady was asked to send the above stated information along with her personal details on the official mail id of police. On 16.10.2022 at 12.03 AM an E-mail was received from shreya5star24@gmail.com to SHO MDC Panchkula and ACP Panchkula in which the person sending the E-mailed claimed itself as Shreya Ghal I.e. the missing lady in the present case. In the E-mail it was further stated that the missing lady Shreya Ghal herself left the house of Mr. Tarun Kapoor on dated 08.12.2021 with her own free will and without any pressure or fear and is not in any illegal confinement. It was also stated in the E-mail that the Petitioner Tarun Kumar is not the legally wedded husband of Shreya Ghai and no marriage ceremony had taken place between them. The Aadhaar Card of the Missing lady was attached along with the picture of her Signatures in said e-mail. It was also requested that the above stated information may kindly be kept confidential as the missing lady poses a threat from the Petitioner. The copy of E-mail is annexed as Annexure R-1.

That during the investigation it came to the knowledge of the police that the missing lady bought a jio sim card and is residing in Kerela. After thorough investigation it was found that the missing lady had been residing as a paying guest at 10/A, Heera Towers, Alathara Road, Sreekaryam, PO Trivandrum City Kerela. Based on this information the landlord of the flat where the missing lady was residing was contacted and it was found that on 08.02.2022 the missing lady contacted Ms. Nazrin Sultana/ the land lady of the PG flat through OLX and inquired about the PG vacancy in her flat. On 10.02.2022 the missing lady paid an amount of Rs. 2000 to Ms. Nazrin Sultana as advance and rented a room to stay on 27.02.2022. It was further revealed that the missing lady was in contact with his brother namely Sajeel Ghai, residing in America who use to send room rent money via google pay to the land lady. The missing lady resided in rented room stated above for approx. 3.5 months and on 14.06.2022 left the rented

room without any prior notice or information. Statement of Nazrin Sultana along with record of Google pay statements is annexed as Annexure R-2.

That on 15.10.2022 a notice under section 91 was sent to the operations Manager Trivandrum airport Kerela on account of the information received about issuance of passport No. W0094256 Dated 20.05.2022 valid up to 19.05.2032. It was also requested from the concerned authorities that certified copies of the travel documents may be provided. Copy of notice dated 15.10.2022 is annexed as Annexure A-3.

The missing lady was contacted on the mobile no.93031-65259 which was found switched off. The said mobile no was put on trace. On checking the call detail record was checked and it was found that mobile no. 9518904134 has been in contact with the missing person for the maximum number of times. When the said number was contacted it was found that it belonged to one Praveen who ran a hotel named Big Dossa At Anjunna, Goa and the missing lady use to work for him in the hotel. The statement of Sh. Praveen aged 50 years R/O 289, Moroco Mudra Tiswadi North Goa was recorded in which he stated that the missing lady was associated in his business in the month of July 2022. In the same very month, the missing lady got her leg fractured and worked from home till October 2022. It was further disclosed by Praveen that on 17.10.2022 one person named Tarun whom the missing lady disclosed as his boyfriend came to the hotel at Anjuna and on next day both Tarun and the missing lady went to Punjab on leave. On 21.10.2022 the missing lady resumed her work. On 13.11.2022 at night Praveen received a WhatsApp message from the missing lady from mobile No. 9814441733 stating that she has to leave for her home for some emergency and will return within 2 days but thereafter she never returned. It is pertinent to mention here that a picture of Shreya and Tarun Kumar (Petitioner) was sent to Praveen for verification of Identity and the same was confirmed by him in a WhatsApp conversation. Copy of CDR, Statement of Praveen and

Screenshot of conversation with Praveen is annexed as Annexure R-4, Annexure R-5 and Annexure R-6 respectively.

That from the information and records collected during the investigation it appears that the Petitioner is playing a foul play and has concealed a number of facts and details in the present case. The Petitioner was in touch with the missing lady even after she was reported as missing. However the same was never brought into the notice of Police for the best reasons known to him. It is also clear from the above stated information revealed during the investigation that the missing lady is not missing but has left the place out of her own free will and is safe as she is in constant touch with her brother who lives abroad.

That at present stage it is only the Petitioner himself who can give correct and better information about Shrey Ghai the missing lady as from the investigation so far conducted it has come out that the Petitioner has an active role to play in the present case and had lodged the present case based on false and concocted story. The same is clearly visible through the call records of the Missing Lady and petitioner which shows that they were regularly in touch during the pendency of the present case. Copy of call records and location details are annexed as Annexure R- 7.

3. A perusal of the aforesaid stand taken by the State supported alongwith e-mail dated 16.10.2022 (Annexure R-1) sent by alleged detainee namely Shreya Ghai to the Police Station MDC Panchkula stating that she does not want to come back and to join the company of the petitioner, who has no connection whatsoever with the petitioner namely Tarun Kapur, as he is neither her husband nor she is married ever and, the assertions made in the instant petition found to be incorrect.
4. Copy of the said written statement has already been furnished to the counsel for the petitioner via e-mail dated 04.08.2023 at 3.28 PM from the e-mail

ID of learned Advocate General, Haryana i.e., aghrycrmphhc2@gmail.com to dnaxy2004@yahoo.com, who is not pursuing the case further.

5. In view of the, this Court deems it appropriate that the instant petition does not warrant any further order, hence the same is disposed of, having been rendered infructuous.

6. Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

07.02.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>