



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

286

CRWP-6822-2024

Date of decision: 09.09.2024

Prince Kumar Sharma

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Prashant Bansal, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus seeking release of alleged detenues Beauty Kumari and Pallavi Kumari, from the illegal custody of respondents No.6 and 7.

2. Learned counsel for the petitioner contends that the two sisters of the petitioner (hereinafter referred to as 'the alleged detenues'), who left their house on 29.05.2024, had regular interactions with their neighbours, respondents No.6 and 7. These respondents promised to send the alleged detenues to Canada through arranged marriages with Canadian nationals. It was further submitted that one of the alleged detenues worked with respondent No.7 at Orane International Parlor. Both the alleged detenues left their home around 05:30 P.M. on 29.05.2024, leaving their mobile phone handsets behind and have been untraceable ever since then. Despite diligent efforts by the family to locate them, they had been unsuccessful. Consequently, missing persons report was filed by the petitioner on the same night, but



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no substantial action was taken by the authorities concerned.

3. It has been further submitted by the learned counsel for the petitioner that on 31.05.2024, the petitioner confronted respondent No.6 regarding the disappearance of the alleged detenues, but was met with abusive language. Furthermore, respondent No.6, accompanied by 15-16 unidentified persons, attacked the petitioner and his family. Learned counsel has submitted that despite multiple applications and complaints filed with the concerned authorities, no action had been taken to trace the alleged detenues or to hold respondents No.6 and 7 accountable for their alleged involvement in their disappearance. Learned counsel for the petitioner has, therefore, prayed for the intervention of this Court by issuing a writ in the nature of Habeas Corpus to locate the alleged detenues.

4. On being put to notice, learned State counsel has filed status report by way of affidavit of Bikramjit Singh, PPS, Deputy Superintendent of Police, Circle Rajpura, District Patiala, on behalf of respondents No.1 to 4, in the Court today, which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

5. Learned State counsel, while drawing the attention of this Court to the affidavit filed today, has submitted that the police have already taken cognizance of the matter. An FIR No.0139 dated 20.07.2024 under Section 346 of the IPC has already been registered at Police Station City Rajpura against respondent No.6-Kaptan Singh, son of Surjan Singh and his wife respondent No.7-Gurwinder Kaur, based



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on an application submitted by the father of the petitioner, to the DSP Rajpura.

6. Learned State counsel has also apprised the Court that since the father of the petitioner had suspected the involvement of respondents No.6 and 7-Kaptan Singh and Gurwinder Kaur, in the abduction of his daughters, as they were closely associated with the beauty parlour being run by respondent No.7-Gurwinder Kaur, the matter was then forwarded to the Incharge of Police Station Focal Point Rajpura for appropriate action. FIR under Section 346 of the IPC was registered at Police Station City Rajpura after carrying out due enquiry. It has also been submitted that the complainant i.e. Manoj Kumar, father of the alleged detainees and his son, i.e. the petitioner, were repeatedly requested by the authorities to provide the mobile phones of both the alleged detainees for cyber analysis to trace their whereabouts. However, they had refused to cooperate much less hand over the mobile phones. On 12.08.2024, ASI Gurmeet Singh had even issued a written notice requesting that the mobile handsets of the alleged detainees be handed over within two days, however, it had not been done. Consequently, a DDR Entry No.13 dated 12.08.2024 was recorded at Police Post Focal Point Rajpura. Learned State counsel has submitted that the Police is making all efforts to trace the alleged detainees, however, on account of lack of cooperation by the complainant and the petitioner, it has led to certain obstacles in the progress of the investigation.

7. I have heard learned counsel for the parties and perused the



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relevant material on record.

8. The Police have already visited the premises of the private respondents, where the petitioner suspected the alleged detenues to be detained. Furthermore, the Police have initiated appropriate action by registering an FIR against respondents No.6 and 7. The investigation is in progress in the FIR which stands registered against the private respondents. In the circumstances, no ground is now made out for issuance of directions as prayed for by the petitioner. The petition is dismissed.

09.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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