



CRWP-7792-2024

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106

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRWP-7792-2024
DATE OF DECISION: 31.08.2024**

NIR

...PETITIONER

Versus**STATE OF PUNJAB AND ORS****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr.Akash Manocha, Advocate for the petitioner(s).
Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 226/227 of the Constitution of India read with Section 482 Cr.P.C. for issuance of a writ in the nature of Habeas Corpus for directing the official respondents to ensure the release of detenue namely Pooja(minor) who is real daughter of the petitioner as the detenue has been detailed in unlawful custody of private respondents No. 4 to 7 with further directions to official respondents No. 1 to 3 to produce the detenue in the Court.

Learned counsel for the petitioner showed no instructions from the petitioner, therefore, he is not in a position to assist the Court.

However, after perusing the proceedings conducted before this Court when notice of motion was issued on 13.08.2024, the State Counsel was called upon to enquire into the matter wherein it was alleged that detenue namely Pooja who is about 18 years old was

**CRWP-7792-2024****-2-**

detained by respondents No.4 and subsequently on 14.08.2024, SSP, Mohali was directed to look into the matter and ensure about necessary action take to get the alleged detainee.

Status report dated 20.08.2024 by way of affidavit of Deepak Pareek, IPS, Senior Superintendent of Police, District SAS Nagar was filed on 23.08.2024, copy of the same was furnished to counsel for the petitioner.

Learned State Counsel during the course of hearing today referred to the facts as mentioned in the aforesaid affidavit/status report. According to the statement recorded by the Investigating Officer of the petitioner which is read out in the open Court would submit that alleged detainee namely Pooja is a major about 18-19 years, as per the admission of the petitioner, who has got married with her own free will with respondent No.4.

Even during the course of investigation, video clip of 1.04 minutes has been received by the Investigating Officer where she has conveyed the message that out of her own free will they have gone to Jetpur Pavi (Gujarat), wherein raid of that area was conducted.

The relevant paragraph of the affidavit are reproduced below:-

4. That it was further revealed that the matter pertained to PS Mataur SAS Nagar. As a matter of consequence, the statement of the petitioner was recorded, and based thereon case/FIR No. 0191 dated 14.08.2024 U/s 137(2)/87 of BNS, 2024 was registered at PS Mataur, District SAS Nagar against respondent no. 4 on the

**CRWP-7792-2024****-3-**

allegations that his daughter Pooja aged about 18/19 years had left from their place of residence (footpath near traffic lights Phase-VII) without informing anyone. She was searched but no clue about her whereabouts could be found. On inquiry it was found that respondent no. 4 who often used to visit them was also missing from home since 24.07.2024. As such, it became clear to them that respondent no. 4 had enticed away his daughter on the pretext of solemnizing marriage with her. 5. That under the above backdrop, the deponent directed the DSP, City-1 SAS Nagar to supervise the investigation of said case and submit the progress report of the investigation made to the deponent. Accordingly, he submitted his report vide No. 1977-5A-DSP City 1 dated 18.08.2024.

6. That from the perusal of report it was revealed that during investigation, the present petitioner and other related persons were joined in the investigation and their statements have been recorded by the investigation officer. From the investigation made by them, it was revealed that the petitioner had received telephonic call from one Sonu mobile number 9680627911 to the effect that his daughter Pooja along with Respondent no.4 had come to him. As per the record obtained through Technical Gell, the said mobile number is registered in the name of Sohan Lal S/o Kalu Ram Bagariya R/o Udaipur, Jaipur, Rajasthan. 7. That thereafter the person concerned who had called the petitioner to give above information was contacted by the SIHO PS Matauron at the given mobile number and through him, contact with respondent no.4 was established. The respondent no. 4 informed the SIHO that Pooja daughter of the petitioner had left her place of

**CRWP-7792-2024****-4-**

residence with him out of her own volition and presently they were in the area of Gujarat. Thereafter, he shared a video clip through whatsapp on the mobile no. of the SHO, PS Mataur.

8. That from the analysis of said video clip it came on record that the said video clip is of 1.04 minutes and the girl therein was claiming herself to be Pooja (alleged detenue) who was conveying the message that she had accompanied respondent no. 4 out of her own willingness and her age is 19 year. Thereafter, in order to ascertain he identity of the girl in said video she was got identified from ohali) Dresent petitioner who admitted her to be his missing daughter gar Pooja.

9. That thereafter, CDR of the mobile no. 9680627911 was obtained and from the analysis of the same, it was revealed that as per the call location, Pooja (alleged detenue) and respondent no.4 both were present in Jetpur Pavi, Gujarat. Consequently, a team headed by ASI Dilbagh Singh No.1047/SAS Nagar was formed to apprehend respondent no. 4 and recover the daughter of present petitioner. The said police team along with police officials of PS Jetpur Pavi, District Chhota Udepur, Gujarat had conducted a search in that area for respondent no.4 and alleged detenue Pooja. In that regard entry no.16 dated 17.08.2024 was recorded at PS Jetpur Pavi, Gujarat. Presently, the said police team is undertaking search in the area of PS Chhota Udepur, Gujarat with help of police officials of PS Chhota Udepur. In that regard entry no.19 dated 18.08.2024 was recorded at PS Chhota Udepur, Gujarat. Further, wireless messages have been sent to the Director General of Police of all the states where the location of said detenue Pooja is

**CRWP-7792-2024****-5-**

anticipated to be. Similarly, a letter has been written to the Director General of Police, Railway Protection Force, New Delhi in order to effect the recovery of the said detainee. Hue and Cry Notice has also been issued. The matter is pending investigation.

10. That the petitioner recorded his statement, during the registration of said FIR, has stated that his daughter Pooja is aged around 18/19 years. From the investigation conducted so far, it appeared that Pooja the purported detainee, is major and had left from their place of residence with respondent no. 4 out of her own choice and free will. However, since it had also come on record from the statements recorded that respondent no.4 has a subsisting marriage, therefore to ensure safety of alleged detainee Pooja all efforts are being made to effect her recovery at the earliest. Thereafter, Pooja (alleged detainee) would be joined in investigation, her age would be ascertained and statement recorded. After that, further action in the matter as may be required would be taken in accordance with law.'

In paragraph No.10 of the affidavit it has been deposed by the Investigating Officer that the statements recorded that respondent No.4 has a subsisting marriage therefore, to ensure safety of alleged detainee efforts are being made to effect her recovery.

Amazingly this affidavit is dated 20.08.2024 but till date the alleged detainee is untraced and has not been recovered so far.

On the other hand, counsel for the petitioner has no instructions from the petitioner to pursue the present petition, therefore, prays for withdrawal of the present petition.

In light of the above, prayer is accepted.

Petition stands dismissed as withdrawn.

(SANDEEP MOUDGIL)
JUDGE

31.08.2024
anuradha

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