



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

CRWP-8718-2024

Date of Decision: September 10, 2024

ASIF ALI

....Petitioner(s)

VERSUS

STATE OF HARYANA AND ORS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Deepak K. Bartia, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J.(ORAL)

In compliance of the order dated 06.09.2024, report of Warrant Officer dated 09.09.2024 has been furnished in Court.

The report would clearly establish that despite conducting search at the places informed by the petitioner, the alleged detainee Eleena Ali could not be traced and her whereabouts are not known to the private respondent Nos.5 and 6 as recorded by the Warrant Officer. The statement of the petitioner-Asif Ali, Kusum Rani, Jitender Kumar, Ayushi and Mannat, have been attached which are in Hindi.

These documents are taken on record as Annexures R-1 to R-5 along with the copy of general diary details as recorded by the Sub-Inspector, Gandhi Nagar, Yamunagar in accordance to the entry made by ASI Rajbir Singh, PS Gandhi Nagar dated 07.09.2024.

The report of Warrant Officer would read as under:-

'In compliance with the order dated 06.09.2024 passed by Hon'ble Mr. Justice Sandeep Moudgil undersigned was



appointed as Warrant Officer in the above noted case on 06.09.2024.

At the very outset petitioner asked me to conduct search in the morning on 07.09.2024. I left Chandigarh at 6.00 am on 07.09.2024 along with petitioner. We reached Police Station Gandhi Nagar, Yamuna Nagar at 09.10 am. SHO SI Mehroof Ali met there. After disclosing my identity and purpose of visit, I ask him to provide police protection to search the detenue Eleena Ali at the premises of respondents No. 4 to 6. I along with petitioner and police party reached house of respondent No. 4 to 6 and search each and every corner of the house but the detenue was not found there. Respondent No. 5 and 6 were found there. Statement of respondent No. 5 (Annexure R-1) was recorded in which he states that his son alongwith Eleena Ali have gone some where. He does not know the whereabouts of them and he will inform as soon as he knows any thing about them and produce them in the Hon'ble Court on 10.09.2024. Statement of Respondent No. 6 (Annexure R-2) was also recorded in which she endorse the statement of her husband. Mannat, younger sister of respondent No. 4 also got recorded her statement (Annexure R-3) to the effect that She knows Eleena being friend of her brother Lakshay. Now she is studying in Delhi. From 10.12.2023 she never met and talk with Eleena. Thereafter on asking of petitioner I along with petitioner reached CIA-I, Yamuna Nagar at 11.55 am. Inspector/SHO Yadwinder Singh met and told that investigation of FIR No. 697 dated 20.07.2024 u/s 127(6) BNS registered in Police City, Yamuna Nagar has been entrusted to CIA-I. IO SI Rajinder Singh is investigating the said FIR. He told me that investigation is going on and they are conducting raids to trace Eleena Ali and Lakshay but could not find them yet. Thereafter, petitioner asked my to conduct search in DAV Girls College Hostel. I alongwith petitioner reached Police Station City Yamuna Nagar at 1.15 pm. Inspector/SHO Jagdish



Chander met me. After disclosing my identity and purpose of visit, I ask him to provide police protection to search the detenue Eleena Ali at DAV Girls College Hostel. I alongwith petitioner and police party reached DAV Girls College Hostel and search each and every corner of the hostel but Eleena Ali was not found there. Hostel Warden Aayushi got recorded her statement (Annexure R-4) to the effect that she is working as hostel warden since 24.07.2023. She and Eleena Ali were students in Guru Nanak Khalsa College, Yamunna Nagar in M.Sc and B.Sc respectively. Lakshay was also studying there. She never met and talk with Eleena Ali after 24.07.2023. Thereafter, the petitioner states that he does not know any other place where the search is to be carried out. Statement of the petitioner (Annexure R-5) was recorded in this regard. DD Entry made by the concerned police station are at Annexure R-6 to R-13. I left for Chandigarh at 5.00 pm.'

In the light of the aforesaid report, learned counsel for the petitioner does not wish to press the present petition any further and seeks withdrawal of the same with liberty to take alternate remedy in accordance with law.

Prayer is accepted.

Dismissed as withdrawn with liberty aforesaid.

(SANDEEP MOUDGIL)
JUDGE

10.09.2024
Sangeeta

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