



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-10073-2024 (O&M)

Date of Decision:-4.11.2024

Ali Mohammad

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nafees Ahmad Khan, Advocate for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks issuance of a writ in the nature of Habeas Corpus alleging therein that his daughter has been illegally detained by respondents No.4 and 5. It is specifically stated therein that the petitioner had already lodged FIR i.e. FIR No.149, dated 19.6.2024 under Section 363 of Indian Penal Code at Police Station Chaupanki, District Bhiwadi (Rajasthan).
2. It is further the case of the petitioner that respondent No.4 - Vaseem as well as petitioner's daughter had earlier approached this Court by way of filing Criminal Writ Petition i.e. CRWP-5725-2024 seeking protection to their lives, wherein a direction was issued to respondent No.2 - Superintendent of Police, Nuh, District Nuh, Haryana to take appropriate action vide order dated 18.6.2024 (Annexure P-2).
3. Pursuant to issuance of notice of motion vide order dated 21.10.2024, respondent No.3 – Station House Officer, Police Station Tauru, Nuh had



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conducted a brief enquiry in the matter and had visited the residence of respondent No.4 to find out as to whether detainee has been illegally detained.

4. Status report by way of affidavit of Shri Mukesh Kumar, HPS, Deputy Superintendent of Police, Tauru has been filed by learned State counsel, which is taken on record.
5. It has been deposed in the status report that on 21.10.2024, a raid was conducted at Village Kangarka in District Nuh and that Smt. Sabila, Sarpanch of the said village as well as some other persons namely Sakir, Nadeem and Zirshad informed that neither Jinat Huda i.e. petitioner's daughter nor respondent No.4 – Vaseem were residing as tenant or in any of the relative's house in village Kangarka. It has further been deposed therein that a raid was also conducted at village Mankaki, District Palwal to trace the alleged detainee, but even on the said place neither the detainee nor Vaseem could be found and that one Shaukat Ali Khan, Councilor, Panchayat Samiti, Hathin and Mohammad Tahir informed that no person by the name Vaseem or Jinat live in the village.
6. During the course of proceedings, learned counsel for the petitioner informed that the temporary address of respondent No.4 of Village Kangarka (Nuh) as mentioned by the petitioner in Memo of Parties in instant petition is the address which respondent No.4 had himself mentioned while filing protection petition in this Court, whereas actually respondent No.4 - Vaseem is a resident of Tehsil Tijara, District Alwar, Rajasthan.
7. In view of the aforestated position, wherein the detainee could not be traced in village Kangarka, District Nuh or in village Mankaki, District Palwal, it



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appears that the petitioner’s daughter and Vaseem are not residing in the said villages. Respondent No.4, who is a resident of Rajasthan, would perhaps be residing in his native place in Rajasthan. It may here be mentioned that even the FIR was got registered by the petitioner in Rajasthan. Under these circumstances, the instant petition is disposed of with liberty to the petitioner to file an appropriate petition before the High Court having jurisdiction over the territory where respondent No.4 may actually be residing or where the petitioner’s daughter may have been detained as alleged.

4.11.2024
geeta/P

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No