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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 04.01.2024

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W.P.(CRL) 1408/2022

UDAY NARAYAN SINGH

..... Petitioner

Through:

Mr.Bharat Dubey, Ms.Shubhlaxmi
Dubey, Dr.Sonia Dubey & Ms.Taniya
Kapoor, Advs.

versus

GOVT. OF N.C.T. OF DELHI AND ORS

..... Respondents

Through:

Mr.Sanjay Lao, Standing Counsel (Crl)
with Ms.Priyam Agarwal & Mr.Abhinav
Kr. Arya, Advs.
SI Sunny, PS Roop Nagar.**CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MS. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India read with Section 482 Cr.P.C seeking directions to the respondents to produce missing son of the petitioner.
2. The petitioner is aggrieved by the fact that the son of the petitioner left his home on 14.04.2022 at about 01:00 p.m. with his sister and handed over his ATM Card to her and said that some persons from his office are calling him and waiting at some place and since then he has not returned home and has gone missing.
3. Since despite the efforts made by his family members, there was no clue about him, a complaint was lodged with PS Roop Nagar. Copy of missing report dated 16.04.2022 was given to the brother of the petitioner. However, the son of petitioner is still missing.
4. Heard.



5. Notice issued.

6. Mr.Sanjay Lao, learned Standing Counsel accepts the notice on behalf of respondents/State and has placed before this Court status report dated 03.01.2024 wherein it is stated that the WT message was propagated to all India SSP's to search the son of the petitioner, information of the missing person was also uploaded on ZIPNET vide No. MN22RN0014 along with colored photograph, the details of the missing person were published in two newspapers, namely, Navbharat and The Hindu, E-mail was also sent to CBI, NCRB and SCRB, further information was also given to District Missing Person Unit/North District/ Delhi and the CDR/IMEI searching has already been obtained and analyzed but no clue has, so far been found.

7. During the course of investigation on 02.07.2022 also, Wireless message had been flashed to all SSPs/DCPs in India and all SHOs in Delhi to develop clue regarding the missing/allegedly abducted man and aid in tracing him, a request letter to concerned office was also sent for declaration of reward.

8. We may also note that on the basis of one complaint of petitioner, FIR No.182/22 under Section 365 IPC at Police Station Tiryani, Distt Seohar (Bihar) was registered on 02.07.2022, i.e. about three months after the incident. Petitioner has averred that he along with his family members visited the police station but no satisfactory response was given and the police has not made any sincere effort to find him out.

9. As per status report from 02.07.2022 to 04.07.2022, search for abducted man in the area of Kamla Nagar, Noida, Delhi and the adjoining localities was conducted, hue and cry notice also was pasted at railway stations and interstate bus stands of Delhi but despite best efforts no clue could be obtained. On 03.07.2022 respondent No. 6 was interrogated who revealed that he had given one lakh rupees



to the allegedly abducted man (victim) in his HDFC bank A/C No. 50100472221051 vide transaction dated 08.04.2022 and respondent No. 6 gave Rs. 25,000/- to the victim and on 09.04.2022 respondent No. 6 again gave Rs. 25,000/- to the victim and on 12.04.2022 respondent No. 6 again give Rs. 50,000/- to the victim. The transaction was verified from the HDFC bank and was found to be correct and in this regard, an agreement was also executed between respondent No. 6 and victim.

10. On 03/07/2022 Respondent No. 7 was interrogated who said that missing person had borrowed money from various persons and also stated that missing person has asked him to arrange the money. Even after thoroughly interrogating Respondent no 7, no clue was found about the missing person.

11. Status report which is quite exhaustive, also indicates that close watch is being maintained over the Facebook profile, Bank Accounts and Mobile Nos. of missing person, available with investigating agency but despite consistent and determined efforts, no clue about the victim has emerged so far. ZIPNET is also being regularly scanned for any clue but hitherto, no clue has come to the light so far. As per suspicion expressed by petitioner, respondent No. 6 Vipin Sharma was questioned again regarding his alleged involvement in the said case but nothing incriminating has emerged against him either. Further, it is being apprised that no new mobile number has been procured linked with the Aadhar Number of missing person i.e. Roshan so far. Report in this regard has also been obtained. Further record of Hospitals and Mortuary's of Hindu Rao Hospital, Deep Chand Hospital, BJRM Hospital have been checked to find any clue about the abducted person but there is no clue, as of now.

12. In light of the aforesaid and since all possible efforts to trace the missing person have been made and the FIR is pending investigation, we hereby dispose of



the present writ petition directing the concerned police officials to file a monthly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the son of the petitioner, the same be communicated to the petitioner, forthwith.

13. With directions as aforesaid, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

JANUARY 04, 2024/ab/sw