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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 3704/2024

LAL SINGH

.....Petitioner

Through: Mr. Manoj Kumar Sharma, Adv
versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with Ms. Priyam Aggarwal, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **09.12.2024**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 BNSS has been filed by the Petitioner-Lal Singh seeking issuance of a writ in the nature of *habeas corpus* for production of the son of the Petitioner, who is stated to be missing since 21st August, 2024. Though the Petitioner lives in Uttar Pradesh, the allegation is that the son had gone to work in a company in Lal Quila namely, Satya Om, but never reached there. The further allegation is that the Petitioner had approached the police in Delhi, who then directed him to approach the UP Police.
3. Mr. Sanjay Lao, learned Standing Counsel for the State, on the other hand, submits that an **FIR No. 459 of 2024** has already been registered by the UP Police, P.S. Harduagunj, Aligarh District, wherein there is an allegation that the Petitioner's son has gone missing along with one of his cousins (girl). It is further submitted that the girl's parents lodged the said FIR against the



Petitioner, his son and family and that it is only in retaliation that the present *habeas corpus* petition has been filed.

4. A status report dated 9th December, 2024 has been handed over in Court today, in which, it is recorded as under: -

4. That during the enquiry, the colleagues of missing person Arjun has been enquired. On enquiry, it is found that Arjun usually commute his duty from his home and on 25-8-24, he performed his duty at Delhi Chalo Park last time and informed his colleague security guards that he is leaving his job. Arjun's father Lal Singh has also been informed about Arjun's decision of quitting the job with his own will on the same day. The statement of one Kashiram (colleague security guard) is attached herewith as Annexure "B".

5. That during further enquiry, the native village of complainant/applicant, Village Machwa (Azamabad), Chadwali, PS Hardwaganj, Distt. Aligarh, UP was visited. Local enquiry has been conducted. During enquiry, it is found that missing person Arjun was last seen in the village Machwa on 31-8-24 by his aunty (chachi) Mrs. Shyamwati w/o Naresh Kumar. Mrs. Shyamwati also alleged that Arjun abducted her daughter namely Durgesh and in this regard FIR is also lodged at local police station. The statement of Mrs. Shyamwati is attached herewith as Annexure "C".

6. That during further enquiry, the concerned police station PS Hardwaganj, Distt. Aligarh, UP has also been visited. A Case/FIR No. 459/2024 dated 4-9-24 u/s 87/352/351(2) BNS PS Hardwaganj, UP is registered in the PS on the complaint of Mrs. Shyamwati w/o Naresh Kumar wherein she alleged that on 31-8-24 at about 11:00 pm, her daughter Durgesh has been abducted by Arjun who is also relative. They took some cash and gold ornaments also. On contacting telephonically, Arjun also threatened her. The FIR Copy is attached herewith as Annexure "D".



7. That IO of Case/FIR No. 459/2024 dated 4-9-24 u/s 87/352/351(2) BNS PS Hardwaganj, UP is also enquired and his statement is also recorded wherein he stated that search of Arjun (suspected/accused) and Durgesh (victim girl) is still continuing in the investigation of the case. Missing person in present application namely Arjun is mentioned in column no. 7 of the above mentioned FIR AS suspected/accused person. The statement of 10 SI Kishanpal PS Hardwa Ganj, Distt. UP is attached herewith as Annexure "E".

5. As per the aforesaid status report, after leaving Delhi, the missing son was last seen in village Machwa on 31st August, 2024. His aunt (*chachi*)- Mrs. Shyamwati stated that her daughter was abducted by the missing son of the Petitioner and an **FIR No. 459/2024** has been registered at the PS Harduaganj, Aligarh District, UP in this regard. Enquiries have also been conducted in the said FIR as well. The above stated status report is taken on record.

6. In view of the above, clearly, all the facts have not been stated by the Petitioner, and in any case, since he was last seen in Aligarh, Uttar Pradesh, the *habeas corpus* petition before this Court would not be maintainable.

7. The concerned police shall, however, continue to conduct the investigation and take action in accordance with law.

8. The petition is dismissed as not maintainable and disposed of accordingly.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

DECEMBER 9, 2024/gs/ks