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

**CRWP-9401-2024 (O&M)
Date of decision: 28.07.2025**

Puran Chand

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Mamli, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. Nikhil Kumar Vashisht, Advocate
for respondents No.5 & 8.

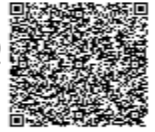
HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus for releasing son of the petitioner, namely Jitender Kumar, from the illegal custody of the private respondents.

2. On 26.09.2024, following order was passed: -

“Petitioner-Puran Chand has filed this petition under Articles

2025:PHHC:093932



226/227 of the Constitution of India for issuance of writ of Habeas Corpus for release of his son, namely, Jitender Kumar, from the illegal custody of private respondents and further to locate his whereabouts.

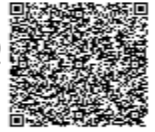
Learned counsel for the petitioner stated that petitioner's son who is 30 years old boy, is missing for the last six months. Due to previous enmity, the petitioner suspected respondents no.5 to 11. It is pointed out that he had sent representation dated 1.5.2024 (Annexure P-1) to the Superintendent of Police, Patiala, Punjab. In paragraph 9 of the representation, it is mentioned that his son is either abducted or killed as his whereabouts are not known since 30.3.2024. It is further pointed out that till date the police has not lodged any FIR regarding missing of petitioner's son.

Considering the aforesaid factual position, notice of motion be issued to respondents no.1 to 4 only at this stage.

On asking of this Court, Mr. Kewal Singh, Addl. A.G., Punjab accepts notice on behalf of respondents no.1 to 4. Learned counsel for the petitioner will supply copy of the petition to the learned counsel for the State during the course of the day. Let detailed status report be filed by respondent no.2, by the next date of hearing.

Adjourned to 15.10.2024."

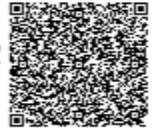
3. In compliance of the aforesaid order, status report by way of affidavit of Dr. Nanak Singh, IPS, Senior Superintendent of Police, District Patiala dated 25.11.2024 has already been filed, which is available on record.
4. Learned counsel for the petitioner refers to para No.15 of the



aforesaid affidavit, which reads as under: -

“That on 18.11.2024 Jagdish Chand alongwith Jasvir Singh, Surjit Singh and Inder Raj were joined in the investigation. The joint statement of Jasvir Singh, Surjit Singh and Inder Raj was recorded, wherein it was stated that they had come to know that Jitender Kumar, with the consent of his father Puran Chand (petitioner) and his family, had gone to America via Donkey route. They further disclosed that Jagdish Chand (respondent no.6) had told them that Nadar Chand son of Brij Lal and Shinda Ram son of Khan Chand informed him that Jitender Kumar had gone to America via Donkey route and he wanted to call his wife Asha Rani (respondent no.5) and daughter Harleen Kaur with him in America and wanted to settle with them. But lateron, they came to know from respondent no.6 that petitioner had lodged a case/FIR No.90 under Section 346 IPC regarding the missing of his son. They further stated that the Ld. Court at Kurukshetra, Haryana directed Jitender Kumar to pay a maintenance of Rs.40,000/- to his wife Asha Rani (respondent no.5) and his daughter Harleen Kaur but he does not want to pay the same, due to which, petitioner has cooked this whole story.”

5. Learned counsel for the petitioner submits that conduct of the



petitioner is unworthy of any reliance. He has claimed that his son has been missing since 30.03.2024, however, till date, he has neither lodged any complaint with the jurisdictional police authorities nor published any advertisement in this regard. Further, the petitioner has moved the mischievous representation only to deprive of his daughter-in-law and granddaughter of the claim regarding monthly maintenance, as awarded by learned Additional Chief Judicial Magistrate, Kurukshetra in the proceedings initiated under Section 12 of the Protection of Women from Domestic Violence Act, 2005. The son of the petitioner, in order to wriggle out his responsibility to pay the maintenance of Rs.30,000/- per month to his wife and daughter, had gone to America through donkey route.

6. In view of the aforesaid status report and also the facts and circumstances of the case, no ground is made out to issue further directions. As such, the present petition is dismissed.

28.07.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No