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IN THE HIGH COURT OF DELHI AT NEW DELHI*Date of Decision: 24th January, 2025*

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W.P.(CRL) 88/2025**SANJEEV SHARMA**

.....Petitioner

Through: Mr. Kishan Kumar, Mr. Shivam Bedi
& Mr. Devraj, Advs. along with
Petitioner

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crml.) with Ms. Priyam Aggarwal &
Mr. Abhinav Arya, Advs. with Insp.
Raj Kumar & ASI Rajesh Kumar, PS
Jagat Puri.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE DHARMESH SHARMA****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Sanjeev Sharma under Article 226 of the Constitution of India read with Section 528 of BNSS seeking issuance of a writ in the nature of *habeas corpus* for the production of his friend - Mr. Kapil Kumar Singh, aged about 61 years, who is stated to be missing since 4th January, 2025.
3. The grievance of the Petitioner is that there is a property dispute which is going on between the family members of Mr. Kapil Kumar Singh. Various allegations have been made in the writ petition against the Respondents 5 & 6 *i.e.*, the younger brother of Mr. Kapil Kumar Singh and his wife, respectively.
4. It is stated in the petition that on 4th January, 2025 at about 4:00 pm,



the Petitioner was having tea with Mr. Kapil Kumar Singh. However, after sometime, Mr. Singh went outside the house to purchase something but thereafter, could not be traced. It is alleged by the Petitioner that Mr. Kapil Kumar Singh was last seen with Respondent No. 5- Pankaj Singh, who is stated to be the younger brother of Mr. Singh.

5. The hearing in the present case commenced on 14th January, 2025. On the said date, the Court was informed that Mr. Kapil Kumar Singh is located in a rehabilitation centre in Noida. In view thereof, the Court passed the following directions:

“7. Let the concerned Investigating Officer inquire about the whereabouts as also the well-being of Mr. Kapil Kumar and his two sons who are stated to be specially-abled, both from their residence and from the concerned rehabilitation centre. The Investigation Officer shall file a status report in this regard by the next date of hearing.”

6. On the last date of hearing i.e. 23rd January, 2025 a status report dated 21st January, 2025 under the signature of SHO, PS. Jagat Puri was handed over to the Court. The same *inter alia* stated that Mr. Kapil Kumar has been lodged in a de-addiction centre called “*Shantiratn Foundation, De-addiction & Rehabilitation Centre*”, situated at Sector-112, Noida, Uttar Pradesh. The Court then on the said date, directed as under:

“5. Under these circumstances, this Court is of the opinion that the physical production of the missing person would be required. Let the missing person as also his two sons be produced before the Court on the next date of hearing.

6. In addition, let a copy of this order be also served on the Foundation through concerned local SHO/IO. The concerned IO shall also ascertain and report to the Court as to whether the Foundation is accredited or recognized by



any government authority and what is the source of its funding.

7. The Foundation is also directed to produce a copy of the record of the missing persons' admission in the Foundation and his present condition as also any other relevant documents in this regard, as available with the Foundation..."

7. Pursuant to the directions passed by this Court on 23rd January, 2025, Mr. Kapil Kumar has been produced before the Court today. Both his sons *i.e.*, Mr. Anshul and Mr. Govind are also present. The Respondent No. 5 *i.e.*, Mr. Pankaj Kumar, the brother of Mr. Kapil Kumar is also present along with his wife. The Court has had an in chamber interaction with the parties present.

8. During the in chamber interaction, Mr. Kapil Kumar has informed the Court that he has been admitted in *Shantiratn Foundation, De-addiction & Rehabilitation Centre* by his *Bua's* grandsons – Mr. Gaurav and Mr. Kuldeep Kumar. Further, Mr. Kumar has two sons, who have informed the Court that the Petitioner-Mr. Sanjeev Sharma along with his son -Mr. Rachit Sharma, Mr. Dev Raj Chaudhary, Mr. Gurudev Chaudhary and Mr. Ajay Raj Chaudhary had created disturbance and violence in the shop which was run by Mr. Govind in Baldev Park where the family resides. In fact, it was only with the intervention of his uncle – Mr. Pankaj Singh and some neighbours that the entire disturbance was quelled and a complaint has also been filed in this regard.

9. The brother of Mr. Kapil Kumar- Mr. Pankaj Singh is present with his wife. He is an Administrative Officer in the Dr. Baba Saheb Ambedkar Medical College and Hospital. He states that he resides in Krishna Nagar, Delhi which is a property belonging to his father. He further states that Mr.



Sanjeev Sharma and his brother were friends and they were discussing about the properties. In that process, some issues and disputes had cropped up. However, he states that due to the alcoholism of Mr. Kapil Kumar, he was admitted to a de-addiction centre by his cousin's son.

10. The Court has also interacted with Mr. Sanjeev Sharma, Mr. Ajay Raj Chaudhary and Mr. Dev Raj Chaudhary who are present. Mr. Sanjeev Sharma submits that he is a friend of Mr. Kapil Kumar, who infact had requested for his help to sought out the family dispute he had with his brother. It was in that process that he was interacting with Mr. Kapil Kumar.

11. Mr. Ajay Raj Chaudhary also states the same thing *i.e.*, he and his sons were helping Mr. Kapil Kumar in sorting out the property disputes which he has with Mr. Pankaj Singh. On a query from the Court, he submits that there are no cheques or documents which he has got executed from Mr. Kapil Kumar and if there are any, he would return the same.

12. In the overall facts and circumstances of the case, it appears that Mr. Kapil Kumar may have requested his friend Mr. Sanjeev Sharma to assist him, to resolve the property dispute which may exist. However, these issues relating to the properties have no connection whatsoever with the present *habeas corpus* petition.

13. From an interaction with Mr. Kapil Kumar, the Court, at this stage, is of the opinion that he is in a stable mental condition and is able to answer all the queries which the Court put to him. He does not wish to live in the de-addiction centre and wishes to live on his own. Since he is in a sound state of mind, he is free to live as per his own choice and preference.

14. Mr. Kapil Kumar informs the Court that he has signed certain papers in the *Shantiratan Foundation, De-addiction & Rehabilitation Centre* only for the



purpose of admission and for discharge and nothing more.

15. Mr. Puneet Uppal, an official from the said Rehabilitation Centre submits that only the documents relating to admission and discharge have been signed by Mr. Kapil Kumar. No other documents have been signed by him. According to the reports of the said Rehabilitation Centre, Mr. Kapil Kumar was admitted by Mr. Kuldeep, s/o Sunil Kumar Singh.

16. In view of the above circumstances, no further orders are called for in this writ petition as Mr. Kapil Kumar appears quite hale and hearty. All pending application(s), if any, are also disposed of.

17. The petition is disposed of. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH
JUDGE

DHARMESH SHARMA
JUDGE

JANUARY 24, 2025

Rahul/rks