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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 85/2025**

JASPAL NAGARPetitioner

Through: Mr. Deepak Kohli, Adv.

versus

THE STATE NCT OF DELHI & ORS.Respondents

Through: Mr. Sanjay Lao, SC (Crl.) for State
with Ms. Priyam Agarwal, Mr.
Abhinav Kr. Arya and Mr. Aryan
Sachdeva, Adv. with SI Inderjeet, PS
Jaitpur (M: 9869651391).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

% **12.02.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed 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 production of the Petitioner's brother - Mr. Anil Nagar, aged about 32 years, who is stated to be missing since 9th December, 2024.
3. It is the case of the Petitioner that Mr. Anil Nagar had left his residence on 9th December, 2024 along with three known acquaintances namely Sumit, Amit and Vikas. Thereafter, the Petitioner is stated to have been informed by Mr. Amit, upon query, that Mr. Anil Nagar is with Mr. Amit and Mr. Vikas in Ghaziabad. The Petitioner filed complaints in this regard however the grievance of the Petitioner is that an FIR has not been registered till date. Hence, the present petition.
4. On the last date of hearing *i.e.*, 14th January, 2025, the Court had



perused the status report dated 13th January, 2025, as per which the missing person had gone to Ghaziabad to meet some acquaintances and from the inquiry by the concerned Investigating Officer from the said acquaintances, it is stated that the missing person had left their company at about 7.00 p.m. on 11th December, 2024. Mr. Anil Nagar has been missing since then. The Court after considering the said facts gave the following directions:

“7. Considering that the missing person and their family are based in Delhi and that Mr. Anil Nagar was missing from Delhi albeit during a visit to Ghaziabad, let the requisite steps be taken by the Delhi police and diligent steps be taken to investigate the whereabouts of the missing person. The UP Police shall render cooperation in tracing the missing person.

8. Let a status report be filed by the next date of hearing.”

5. A further status report dated 8th February, 2025 under the signatures of Inspector Sunil Kumar, SHO PS Jaitpur has been handed over in Court. Let the said status report be taken on record. As per the said status report, the brother of the Petitioner had met with an accident. The said status report states as under:

“5. Jaspal Nagar (Brother of Anil):

During the investigation, Jaspal Nagar, Anil's brother, was examined. He stated that on 11/12/2024 at around 7:00 PM he received a call of his brother Anil who asked whether he received an amount Rs 3000/- on his Paytm, on that he said to check the mobile number to whom he sent the money. In the background, Amit's voice could be heard. This statement was supported by CDR analysis.



- *That during investigation of the case, on 01.02.2025, IO/SI Inderjeet along with staff and Anil's brother, Pawan, visited at PS Tila Mode and PS Madhuban Bapudham Gaziabad UP in search of the missing Anil but no clues found. Subsequently, they visited at Police Post Pipeline, where the Chowki-in-Charge, SI Kapil informed that an unidentified dead body was found on Eastern Peripheral Expressway next to Milak Chakarpur petrol pump towards Bagpat UP at about 2.00 am to 2.30 am on 12.12.2024. Photographs of the deceased were shown to Pawan, Sumit, Amit, and Vikas. The Chowki-in-Charge requested Pawan to bring someone who could identify the deceased by the photographs.*
- *That a case has been registered vide FIR No. 049/2025, dated 02.02.2025, U/s 106(1) BNS at PS Muradnagar, UP and IO has collected the copy of FIR and the post-mortem report of the deceased wherein Dr. opined cause of death due to shock and haemorrhage due to anti mortem injuries. The Chowki-in-Charge stated that the deceased had met with an accident on the night of 11-12.12.2024 at around 2:00 AM on the KMP Expressway and died on the spot. The photographs of the deceased were shown to Rahul, who identified the shoes and clothes as belonging to Anil.*
- *That the facts and circumstances the unidentified dead body has been identified by the petitioner. It has been established with the CDR and locations of the deceased Anil and his friends Amit, Vikas that they were present at Morta Gaziabad on 10 & 11 December, 2024 and they were playing cards (Gambling). Investigation also revealed that Anil was a habitual drunken and also taking drugs. A case has also been registered vide FIR No 49/25 U/S 106 (1) at PS Murad Nagar Gaziabad UP and that is under investigation. Copy of FIR and PM report are annexed at annexure -1 & 2 respectively. ”*

6. As per the above status report, the missing person along with certain



friends was spending time in Ghaziabad after he left from his house on 10th December, 2024. Unfortunately, he met with an accident in a hit and run incident. His body was found on the intervening night of 12th/13th December, 2024 at 02:30 AM. His belongings have been identified by one Mr. Rahul, who is also a friend of the deceased.

7. The Id. Counsel for the Petitioner disputes that the unidentified body belongs to the brother of the Petitioner. The stand of the police is that the body has been identified by the friends and also the belongings have been identified, but this is disputed by the Petitioner.

8. It is further submitted by Mr. Lao, on instructions, that the Petitioner has also given a statement before the PS Muradnagar that the unidentified body is that of his brother.

9. In view thereof, no further orders are called for in this petition. If there is any dispute as to the identity of the Petitioner, the Petitioner is free to file an application seeking revival of the present petition. The Petitioner is also free to approach the concerned Court or the police station for the purpose of DNA testing, if so advised.

10. Accordingly, the petition is disposed of. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

DHARMESH SHARMA, J

FEBRUARY 12, 2025/gunn/ks