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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1629/2024**

VIMLA

.....Petitioner

Through: Mr. Rituparn Uniyal, Mr. Abhishek Usha Singh, Ms. Deeksha Saggi and Mr. Nayan Mishra, Advs.

versus

STATE (NCT OF DELHI) AND ORS

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl) with Ms. Priyam Aggarwal, Mr. Abhinav Kr. Arya and Mr. Aryan Sachdeva, Advocates.

Mr. Anupam S Sharrma, SPP-CBI with Ms. Harpreet Kalsi, Mr. Prakarsh Airan, Mr. Ripudaman Sharma & Mr. Vashisht Rao, Advocates with Mr. Jaiveer Bansal, Inspector, CBI, SC.
SI Pinki Rani

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

22.05.2025

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1. The present writ petition under Article 226 of the Constitution of India has been filed on behalf of the Petitioner in the nature of Habeas Corpus for a direction to the Respondents to trace and produce the son of the Petitioner, who is stated to be missing since 06.05.2022. On the date i.e., 06.05.2022, when the son of the Petitioner went missing, he was 17 and a half years old and today, he would be roughly about 19 years old.

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2. An FIR bearing No.0241/2022 was registered at Police Station Sagar Pur, Delhi. The matter was then transferred to the Anti-Human Trafficking Unit, DIU, South-West, District, Delhi. Since the son of the Petitioner was not traced even after the said transfer, the Petitioner approached this Court by filing the present petition stating that police is not serious in pursuing the matter.

3. Various status reports have been filed by the Respondents. The prime suspect in the case i.e., Mr. Satyavir Singh Malik, who according to the Petitioner, traps young children and could be running this nefarious activity of human trafficking. This Court found some inconsistencies in the status report dated 14.08.2024 and subsequent Status Reports and requested the CBI to conduct a preliminary inquiry in the matter as it concerns a young boy of 17 and half years old, who is missing.

4. The CBI has filed a detailed status report. Paragraph No.4 of the status report records the steps taken by the various units of the Delhi Police involved in the case and the same reads as under:

“(4) That, during the course of Preliminary Enquiry, the photocopies of case records have been taken over from Ms Pinki Rani, SI, AHTU/Crime Branch, the IO of Sagarpur PS FIR No. 0241/2022 and the same were scrutinized and the statements of some relevant witnesses were cross verified which revealed that :

(i) Shivam S/o Shri Prakash Singh and Ms Vimla, aged around 17 ½ yrs, was a resident of West Sagarpur. He was a student of Class XII and was studying in Rainbow English Sr. Sec School, C-3 Block, Janakpuri, New Delhi. He was a Throw Ball/ Handball player and was a member of the school team.

(ii) He often used to go to C4- Park, Janakpuri, normally in the evenings for sporting activities, along with one of



his friends namely Faiz Sameer, who was also studying in his class in the same school.

(iii) On 06.05.2022, Shivam left his residence at West Sagarpur for going to the Park in the morning at around 06 AM. However, when he did not return to his residence after few hours, his mother started contacting his friends to know his whereabouts. However, by afternoon, when the boy was not found, the family decided to lodge an FIR in the Police Station. Accordingly, Ms Vimla along with her daughter Khushi went to Sagarpur Police Station in the evening and lodged her complaint, whereupon the FIR No. 0241 dated 06.05.2022 u/s 363 IPC was registered at Sagarpur Police Station on the basis of “Fard Bayan” of MsVimla, Mother of “Shivam”.

(iv) During the course of investigation, Delhi Police examined friends of Shivam and recorded statements of Faiz Sameer, Vishal Christopher Singh and Abhay Anand Jha. Faiz Sameer was the closest among the friends and he was examined on 4-5 occasions. Besides, parents of the missing boy, his sister and some of relatives at his native village in Chamoli District, Uttarakhand were also examined.

(v) During the course of investigation, name of one Satyavir Singh Malik cropped up as a suspect and he was examined/interrogated several times. Some of the persons who had taken money on loan from him were also examined. He was examined as early as 09.05.2022 by the initial IO of the case. Later, it was found during investigation that there were certain comments on his mobile number 7607355854, on Truecaller app, which indicated that he could be a kidnapper as the comments on truecaller app suggested. Accordingly this angle was investigated and ‘Truecaller’ company provided mobile phone numbers who had commented on the truecaller app of mobile number of Satyavir Malik and also provided the details of comments which is as under.



a. “Targets kids and gather information – suspicious for kidnapping scandal” was made by one Vaibhavi Bisht from mobile No. 6398058883 having email id: bishtvaibhavi17@gmail.com

b. “Can anyone else who commented please share their number or call me. My cousin is missing and he was also last seen with this old man” has been made from mobile number 7045756635 of Jagdish Kumar having email id : sulu.apte17@gmail.com

c. “really, he is kidnapper”, made from mobile phone number 7665249027 of Q Choudhary.

d. “don’t pick up the call from this number” has been made from mobile phone number 9068170204 of Krishna Joshi.

(vi) Investigation carried out on the points mentioned by IOs of Delhi Police revealed that, the mobile phone number 6398058883 stands in the name of Shri Dharendra Singh Bisht who is grandfather of Vaibhavi Bisht whose name is displayed on truecaller app and it was ascertained that the phone was being used by Vaibhavi only. In her statement given to police, Ms Vaibhavi Bisht, she denied having made the comment “Targets kids and gather information” on truecaller app w.r.t mobile number 7607355854 of Satyavir Singh Malik.

(vii) Further, the person namely Jagdish Kumar on truecaller with Phone number 7045756635, could not be traced. Investigation revealed that the mobile phone number 7045756635 actually stands in the name of Ravi Chauhan s/o Jai Singh, R/o Plot No. 1178, Ashirwad Building, Anand Nagar, Dahisar East, Mumbai. This person could not be traced during investigation.

(viii) With regard to the mobile phone number 7665249027, investigation by Police revealed that this



phone number stands in the name of one Dinesh Kumar S/o Neemchand, R/o Ward No. 6, Jatbasti, Norangsar, Khariyabada, Sujangarh, Churu, Rajasthan. The truecaller name displayed for the said phone number is “Q Choudhury”. Dinesh is a student of B.A.(Final Year) from Shekhawati University Sikar. During examination he stated that on 05.09.2022, he was on Railway Station Dehradun where he had gone for taking Group D exam. There he met Satyavir Malik who was aged around 50 yrs. Satyavir Malik followed him for around 2 hours (during night time) on the station and enquired a lot from him and tried to take selfie with him. He found his activities suspicious and Satyavir also gave him his mobile number which he found marked as spam in red on truecaller app. He also made a comment Kidnapper – after seeing the earlier comments, though he did not have any first-hand information regarding Satyavir Singh Malik being a kidnapper. He did not have any information about Shivam. He closed/surrendered the mobile number 7665249027, around 1 ½ years back.

(ix) That, there is no record showing investigation on the user of mobile phone number 9068170204 i.e. Krishna Joshi who had commented as “don’t pick up the call from this number”.

(x) Investigation w.r.t possible involvement of Satyavir Singh Malik, led the Police to Dehradun, where his children used to study earlier and he used to go quite often there. It was also learnt that he was also involved in the business of money lending in Dehradun. Police recorded statement of one person “S”, aged 22 yrs as on 27.07.2023, who is son of Shri Kundan Singh Negi. Satyavir Singh Malik was also doing business of Money lending and Kundan Singh Negi had taken loan from him. “S” is stated to be a teacher and used to take tuitions at his residence in Dehradun. He stated about “bad touch” by Satyavir Singh Malik who had touched his “Ling” (Private part) also. Based on the statement of “S” dated 27.07.2023, AHTU/Crime Branch, Delhi Police



registered a Zero FIR dated 03.02.2025, and forwarded the same to SSP, Dehrudun for investigation. It has however been revealed during Enquiry that, when “S” was examined by Delhi Police at a later stage on 12.01.2025, he retracted from his earlier statement.

(xi) During course of investigation Polygraph and Layered Voice Analysis (LVA) Tests of suspect subject Satyavir Singh Malik was also got done from the FSL, Delhi. However, the subject was found truthful in his responses and no deception was found in his voice as per the FSL Report.

(xii) Besides the above, Delhi Police also, immediately after registration of the case, flashed the Wireless message regarding missing boy Shivam. The data of Shivam was also uploaded on ZIPNET and Hue & Cry Notices were pasted in Sagarpur, Janakpuri, Mayapuri, Uttam Nagar, Delhi Cantt, PS Dabri Area, PS Bindapur Area, PS Dwarka south Area, New Delhi Railway Station, Old Delhi Railway Station, Sarai Kale Khan Bus Terminal, Delhi Cantt Railway Station and many other places, during the course of investigation.

(xiii) Notices were sent to Meta (Whatsapp) for obtaining call logs/chats etc., in respect of the mobile phone number of Satyavir Singh Malik, however except for the IP number, Meta could not provide any other information.

(xiv) During course of investigation, CDRs of Mob No. 7045756635 of Ravi Chauhan, 6398058883 of Dhirendra Singh Bisht, 7665249027 of Dinesh Kumar, 7045756635 of Bisha Mohammad, 7607355845 of Satyavir Singh Mallik, 9582261981 of Prakash Singh, 9990472761 of Khushi (Sister of Shivam) and 9582995815 of Ms Vimla, mother of Shivam were collected during the course of investigation and were analyzed by the IOs. Soft copies of the said CDRs are however, not available with IO. However, no clue was found from the analysis of CDRs.



Notices were also issued to Facebook and Instagram however, no data was received.

(xv) Data was also sought from the Heads of Forensic Departments of Deen Dayal Upadhyay Hospital, Safdarjung Hospital, Rao Tularam Memorial Hospital and AIIMS regarding post mortem conducted on unidentified bodies. This has also not yielded any result w.r.t missing boy Shivam.

(xvi) During course of investigation, Delhi Police also sought information from Delhi Cantt PS, Railways regarding any unidentified body matching Shivam's description between 05.05.22 and 12.05.22 as railway line of this police station is closest to Shivam's House, but no clue could be obtained.

(xvii) Information was also sought from Shelter Home namely "Mahila Pragati Ki Ore" near Subzi Mandi, Tilak Nagar, Delhi, Katra Maula Buksh, Near Roshanara Bagh Gole Chakkar, Roshanara Road, Delhi, Shahzada Bagh, near BSES Electric Substation, Opp Balaji Charitable Hospital, Industrial Area, Delhi, seeking details, if any boy named Shivam ever stayed there. No matching details could be found.

(xviii) Information was also sent to NCRB, CIC/CBI, Siti Cble and local cable networks, regarding the missing boy Shivam. Missing person information form was prepared and was sent to District Missing Persons Unit (DMPU.) Shivam's photo and description have been published in two leading newspapers Hindustan Times & Navodaya Times.

(xix) Notice was issued to Superintending Engineer, CCTV, Wifi Street Light & LED Screen Circle PWD, 11th Floor, MSO Building, IP Estate New Delhi for providing of the CCTV footage Camera Box No's 300128 & 300130. No further data was found on record.



(xx) Two CCTV clips showing movement of Shivam of the relevant day i.e., 06.05.2022, were also available with the IO. These clips show Shivam going towards the direction of the Park in Janakpuri, however, these do not give any further clue.”

5. The status report filed by the CBI does not reveal that the steps taken by the Delhi Police are so shoddy that would persuade this Court to transfer the investigation to CBI. Paragraph No.9 of the status report records certain suggestions to the Police. Material on record reveals that the Anti Human Trafficking Unit of Delhi Police and Police Station Sagarpur has taken every possible step in their capacity.
6. In view of the above, this Court is inclined to direct the Crime Branch, Delhi Police to take over the investigation and submit its report within a period of two months from today to the concerned Magistrate followed by periodic quarterly reports. It is open for the Crime Branch to take note of the suggestions given by the CBI.
7. However, the fact remains that the son of the Petitioner, who has now become major, has not been traced till now.
8. With these observations, the petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

HARISH VAIDYANATHAN SHANKAR, J

MAY 22, 2025

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