

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 131 of 2024

Petitioner :- Mr. Beeru Thru. His Mother Veena Devi

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko And 5 Others

Counsel for Petitioner :- Ashish Kumar Singh, Harsh Kumar Singh, Shakeel Qureshi

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

1. Heard Shri Saubhgya Mishra, Advocate holding brief of Shri Ashish Kumar Singh, learned Counsel for the petitioner, Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4, Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and perused the material placed on record.

2. The present petition has been filed on behalf of the detenu, namely-Mr. Beeru through his mother, namely-Veena Devi praying for following main relief:-

"(i) Issue a writ, order or direction in the nature of Habeas Corpus directing the opposite party No.6 to 7 to produce the petitioner/detenu before this Hon'ble Court forthwith, and release detenu/petitioner in favour of the deponent."

3. This Court vide order dated 14.06.2024 passed the following order:-

"This Court on 21.05.2024 passed the following order:

"1. Heard.

2. Learned AGA states that instructions have been furnished by the police station Huzoorpur, district Bahraich.

3. The aforesaid instructions have been produced for perusal of this court and the same are taken on record.

4. Perusal of the aforesaid instructions would reveal that in pursuance of the information given by Shri Amarjeet, son of Shri Kailash, resident of Village Machhiya, Police Station Huzoorpur, District Bahraich a missing report has been registered at police station Chandni Bagh, Panipat, Haryana and efforts are being made to trace the missing person/alleged detenu.

5. Learned counsel for the petitioner, at this juncture, submits that the petitioner is the mother of the detenu and she is not in a position to herself undertake efforts to trace her son.

6. Having heard learned counsel for the parties and having perused the instructions obtained by the learned AGA, the

Station House Officer, Chandni Bagh, Panipat, Haryana is directed to make all-out efforts to trace the missing detainee, namely, Beeru, aged about 13 years, son of Shri Bechan, permanent resident of Machhiya Sutaouli, Police Station Huzoorpur, Tehsil Kaiserganj, District Bahraich, who was residing at Sector-12, in front of Mother Teresa, Bunalow No.9, Chandni Bagh, Panipat, Haryana and submit a report to this court annexing therewith the documentary proof of all the efforts which have been undertaken for tracing/searching the detainee.

7. Let a copy of this order be immediately transmitted to the D.G.P., Haryana for compliance through the Senior Registrar of this Court.

8. List this petition on 14.06.2024 to be taken up at 2.15 p.m."

Learned A.G.A. Sri Abhai Kumar Singh as well as Sri Vipul Kumar, Advocate, who is appearing for the opp. party Nos. 2 and 4, submits that detailed instructions have been got received by Sri Rakesh Kumar, Inspector/S.H.O., P.S. Chandni Bagh, Panipath, Hariyana, in which all the efforts done by the Police and the relevant documents have been annexed, which is on record of the court.

Sri Ashish Kumar, learned counsel for the petitioner submits that he has not received any copy of such progress-report, thus, learned counsel appearing for the opp. party Nos. 2 and 4 may be directed to give copy of progress-report done by the Police of Panipat, Haryana.

Learned counsel for the opp. party No. 2 and 4 is directed to give complete copy, so that the counsel for the applicant may go through the progress made by the Police and if he wants to file some reply of the same, he may file the same within 10 days from today.

Learned counsel for the opp. party Nos. 2 and 4 submits that further efforts are being made regarding search of the missing boy and in this regard complete report will also be filed within 2 weeks thereafter.

Accordingly, learned counsel for the opp. party No. 2 and 4 and the learned A.G.A. are directed to file further progress report in this case, wit a copy to the learned counsel for the applicant, and submit his report within next 2 weeks.

Learned counsel for the petitioner may also file his objections, whatsoever, within 2 weeks thereafter.

List this case on 22.07.2024 as fresh.

On the next date, Superintendent of Police, Panipat is directed to recover the corpus, namely, Beeru, and produce him before this court on the next date fixed and also the details in respect of the search done by the authorities concerned in this regard."

4. Learned Counsel for the respondent No.2 and 4 filed a progress report/affidavit today in the Court on behalf of respondent No.2 and 4 in respect of investigation been carried out by respondent No.2 and 4 for recovery of the

detenue, namely-Mr. Beeru aged about 13 years who is missing. The said progress report/affidavit is taken on record.

5. On perusal of progress report/affidavit filed today in the Court, it appears that the said progress report is nothing but simply an eye wash as the respondent No.2 i.e. Principal Secretary, Department of Home, Civil Secretariat, Haryana Chandigarh and respondent No.4 i.e. Superintendent of Police, District-Panipat, Haryana have not mentioned any exact detail regarding the investigation and steps taken by them to recover the detenue. Further, it is clear from the progress report that the authorities concerned are passing time and they have not even arrested or recorded the statement of the person who employed the detenue at his Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana. Even though, in the progress report/affidavit filed today, the name of the owner/occupier of Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana has not been disclosed nor any document has been annexed with the progress report/affidavit to support the arguments advanced by learned Special Counsel for respondent No.2 and 4.

6. Further, it is not in dispute that the detenue was working at Bungalow No.9 situated in Sector-12 in front of Mother Teresa, Chandani Bagh, Panipat, Haryana and the employer was taking his services and the reasons best known to the employer, the detenue got missing from his residence. In this regard, initially an FIR was also lodged under 346 I.P.C. registered as Case Crime No.0211 of 2024 on 03.04.2024 and later on, after the investigation Section 346 I.P.C. was converted to Section 365 I.P.C. as the missing person was a minor child.

7. Thus, in view of the above, this Court has no option but to direct the Superintendent of Police, Panipat, Haryana and the Station House Officer, Police Station-Chandni Bagh, District-Panipat, Haryana to appear before this Court in person alongwith the detenue on the next date of listing to explain that why the detenue has yet not been recovered after more than three months of lodging of the FIR.

8. Accordingly, the Superintendent of Police, Panipat, Haryana alongwith Station House Officer, Police Station-Chandni Bagh, District-Panipat, Haryana are directed to remain present before this Court in person on the next date of listing alongwith detenue and with the complete details/progress report in respect of the investigation done so far.

9. Let a copy of this order be communicated to the Chief Secretary, Government of Haryana, Civil Secretariat Haryana, Chandigarh and Superintendent of Police, Panipat, Haryana through Chief Secretary, Government of Uttar Pradesh, Civil Secretariat, Uttar Pradesh, Lucknow and Commissioner of Police, Lucknow, Uttar Pradesh for the personal appearance of Superintendent of Police, Panipat, Haryana.

10. Senior Registrar of this Court is also directed to transmit a copy of this order to the Chief Secretary, Government of Uttar Pradesh, Civil Secretariat, Uttar

Pradesh, Lucknow and Commissioner of Police, Lucknow, Uttar Pradesh to be communicated to the Chief Secretary, Government of Haryana, Civil Secretariat Haryana, Chandigarh and Superintendent of Police, Panipat, Haryana for necessary compliance and information, forthwith.

11. Let a copy of this order also be transmitted to Shri V.K. Sahi, learned Additional Advocate General, Uttar Pradesh and Shri Ashok Kumar Singh, learned A.G.A-I for the State-respondent Nos.1, 3 and 5 and Shri Bipul Kumar Singh, learned Special Counsel for respondent No.2 and 4 for necessary compliance and information.

12. List/put up this case on 05.08.2024 before this Court for further orders.

Order Date :- 22.7.2024

Piyush/-