

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

HCP No. 33/2025

Sumit Kumar

.....Appellant(s)/Petitioner(s)

Through: Mr. Amit Gupta, Advocate.

Vs

UT of J&K & Ors.

..... Respondent(s)

Through: Mr. Bhanu Jasrotia, GA.

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER

(01.09.2025)

- 01.** Petitioner, through the medium of this habeas corpus petition, had sought a direction to the respondents, particularly, the respondent Nos. 1 to 6 to produce his wife, namely, Kajal Kumari who was stated to be in wrongful confinement under the illegal custody of the respondent No. 7, against her wishes.
- 02.** Pursuant to notice, the respondent–Senior Superintendent of Police (SSP), Rajouri has filed his objections on 31.07.2025, wherein at paras-4 and 5 has been pleaded as under:-

“4. That in reply to the contents of Para 07, it is submitted that on 13.01.2025 petitioner namely Sumit Kumar S/O Dev Raj lodged a written report at police station Dharamsal wherein he stated that his wife found missing from CHC Sunderbani where they both (husband/wife) came for medical checkup, after hectic efforts no clues struck out about the whereabouts of his wife. On receipt of instant application, missing report entered in the daily diary of police station Dharamsal vide DDR No. 19 dated 13.01.2025 and enquiry of the instant missing report commenced.

5. *That E/O concerned whom instant missing report entrusted raided at various locations in the J/D of P/S Dharamsal for search of missing lady, but no any clue struck out. After monitoring CDR/tower location/on the request of SHO P/S Dharamsal a team of police station Dharamsal deputed to outside UT of J&K (Pathankote) in connection with recovery of missing lady namely Kajal Devi W/O Sumit Kumar P/O Siot Sunderbani, but no any clue struck out about the whereabouts of missing lady. That SHO Police Station Dharamsal also flashed message to all SHOs and IC PPs of Jammu Zone about the missing of said lady (petitioner) in whom he also indicate body structure of missing lady as told by her husband.”*

03. Since the petitioner has specifically alleged that his wife is in illegal custody of the respondent No. 7, namely, Manoj Kumar R/O Lassian, Pathankote, Punjab, the local police should have made efforts in co-ordination with the Punjab Police to locate the wife of the petitioner, so that her statement could be recorded.
04. Respondent No. 4 – Senior Superintendent of Police (SSP), Rajouri is directed to constitute a team in this behalf and file a status report with regard to whereabouts of the petitioner’s wife and the role of respondent No. 7, before this Court by the next date of hearing.
05. List on **29.09.2025**.

(M A CHOWDHARY)
JUDGE

JAMMU
01.09.2025
Bunty