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

+ W.P.(CRL.) 3391/2016

FATIMA NAFEES

..... Petitioner

Through

Mr.Colin Gonsalvez, Sr.Adv. with
Mr.Ali Qambar Zaidi and Ms.Pallavi
Sharma, Adv.

versus

STATE & ORS.

..... Respondents

Through

Mr.Rahul Mehra, Standing Counsel
(Criminal) for GNCT of Delhi with
Mr.Tushar Sannu and
Addl.C.P. Crime Mr.K.K.Vyas,
DCP (N) Crime Mr.Ram Gopal
Nayak, ACP AHTU Crime Ms.Swati
Chauhan, Insp.S.K.Gulia, AHTU
Crime Branch, ACP Vasant Vihar
Mr.K.P.Kukreti, SHO Vasant Vihar
Insp.Bhaskar
Mr.Mohinder J.S.Rupal, Adv. for
JNU

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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28.11.2016

1. Najeeb, son of the petitioner, a student of M.Sc. Biotechnology, Jawaharlal Nehru University (JNU) has been missing since 16.10.2016. We had issued notice in this matter. Status report has been handed over to us in a sealed cover. Mr.Rahul Mehra, Standing Counsel (Crl.), GNCT of Delhi, has also explained in Court the various steps taken in the matter to recover

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the missing person. We are informed that initially the investigation was being carried out by the local police. The investigation was then transferred to the Special Investigation Team (SIT). The matter is now being investigated by the Crime Branch. Addl.C.P. Crime Mr.K.K.Vyas, DCP (N) Crime Mr.Ram Gopal Nayak, ACP AHTU Crime Ms.Swati Chauhan, Insp.S.K.Gulia (Inspecting Officer) AHTU Crime Branch, ACP Vasant Vihar Mr.K.P.Kukreti, SHO Vasant Vihar Insp.Bhaskar are present in Court. A detailed status report has been handed over in Court. Since none was present on behalf of JNU, we request Mr.Mohinder J.S.Rupal, Standing Counsel, JNU to accept notice and file a response. A complete set of paper book has been handed over to him.

2. On instructions, Mr.Mehra expresses apprehensions with regard to sharing of this status report as it would hamper the investigation at this stage. A copy of this status report is handed over to Mr.Colin Gonsalvez, learned senior counsel appearing for the petitioner which has been perused and returned by him to Mr.Mehra. We also notice that at page 4 of the status report although reference has been made about Najeeb the missing person having been taken to Safdarjung Hospital where he refused medical examination. We are a little surprised as to why the background is missing from this status report as to what led to Najeeb being taken to Safdarjung Hospital for medical examination. Let an affidavit be filed by the concerned officer explaining the reason for such a lapse and also file a supplementary status report giving details of the incidents which led to removal of Najeeb from the hostel to Safdarjung Hospital.

3. We may note that the status report gives a detailed account of the steps taken by the State to recover the missing person. The steps taken by

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the local police and SIT amongst those including wireless messages having been sent to SSP of all Districts in India on 15/16 October 2016. Details of the missing person having been uploaded on Zonal Integrated Police Net (ZIP Net) on 16.10.2016. Hue and cry notice circulated by them regularly since 15.10.2016. Information sent to Director NCRV, R.K.Puram on 16.10.2016, information sent to Delhi Doordarshan, information sent to Director CBI, Missing Section, both dated 16.10.2016, details of missing persons having been published in the newspaper on 16.10.2016, printed advertisements were given on 25.10.2016 in Amar Ujala, Dainik Jagran, Times of India, Indian Express, Hindustan Times, Punjab Kesari. On 26.10.2016, advertisements were published in Avam-E-Hind and Amar Ujala. These advertisements were again published on 6-8 November 2016 in Dainik Jagran, Amar Ujala, Rajasthan Patrika, Misaal Express, Inshaaq Awadh, Nav Yug Roznama, local dailies, a photo has been circulated in private channels on 6.11.2016. CCTV footage of JNU Campus could not be collected as CCTV was found out of order. Reward from Rs.50,000/-, which was increased to Rs.2,00,000/- has now been increased to Rs.5,00,000/- The status report also reveals that statements of various persons were recorded. We refrain from naming the persons whose statements stand recorded as it would not be in the interest of investigation. We also find that 4 teams were sent along various routes including Delhi-Agra, Delhi-Bulandshahar, Ghaziabad, Moradabad and Rampur. CCTV footage of metro stations have been examined. The statement of driver of the TSR in which Najeeb travelled from the Hostel to Jamia Millia has also been recorded under Section 164 Cr.P.C. The statement of persons associated with Najeeb at Jamia Millia have also been recorded.

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4. Mr.Mehra points out that from page 13 onwards are the steps taken by Crime Branch after the case was transferred on 13.11.2016 vide order of the Commissioner of Police dated 11.11.2016. We also find from the status report which has been handed over that Najeeb was suffering from depression since 2012. The doctor from Vimhans Hospital has also been examined and who has stated that he was under medication since August 2016 from Vimhans Hospital. It has also been brought to the notice of the Court that after the incident on the intervening night of 14-15 October 2016, Najeeb was expelled from the Hostel. Learned counsel appearing for JNU submits that he would take necessary instructions whether the decision of expelling Najeeb has been reconsidered or would be reconsidered.

5. We also request the petitioner i.e. the mother of Najeeb to issue a statement with the assistance of police through print and electronic media to her son Najeeb requesting him to return. We also request the JNU authorities to issue an advertisement informing Najeeb that the decision of his expulsion from hostel would be reconsidered on his return. These two directions have been issued keeping in view the health of Najeeb in mind, if for any reason he is under any depression or his apprehension or is feeling slighted on account of the action taken against him. We request the JNU Authorities, the students of JNU and anybody who can assist the police and provide any clue/lead to the police so that the missing person can be recovered after putting all their differences on one side.

6. Mr.Mehra assures to Court that sincere steps have been taken and shall continue to be taken to search out the missing person.

7. The status report shall be sealed by the Court Master and be kept in the Court File.

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8. Reply in the form of counter affidavit will be filed by the JNU before the next date of hearing.
9. Status report supplied to Mr. Colin Gonsalvez, learned senior counsel for the petitioner has been read by him and the same has been returned to Mr. Rahul Mehra.
10. List on 09.12.2016.
11. Dasti under signatures of the Court Master.

Sd/-
G.S.SISTANI, J.

Sd/-
VINOD GOEL, J.

NOVEMBER 28, 2016
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Chauhan
28/11/2016
COURT MASTER
Delhi High Court
New Delhi