



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

04

CRM-M-24454-2024 (O&amp;M)

Reserved on: 15.05.2026

Pronounced on: 05.06.2026

ATMA SINGH

..... PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

..... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Mr. Jasdeep S. Gill, Sr. Advocate with  
Ms. Harleen Kaur, Advocate  
for the petitioner.

Mr. J.S. Thind, DAG, Punjab.

Mr. Amandeep Singh Rai, Advocate for  
Mr. Balbir Singh (brother-in-law of petitioner)

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**SURYA PARTAP SINGH. J.**

1. This is a petition under Section 482 of the 'Criminal Procedure Code, 1973'. By virtue of present petition the extraordinary jurisdiction vested in this Court has been invoked for issuance of appropriate direction to the respondents No.1 to 3, to file status report with regard to missing/murder of niece of the petitioner, namely 'Devinder Kaur'.



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2. In nut-shell the facts set-out by the petitioner in his petition are that the marriage of his sister namely 'Harpal Kaur' was solemnized with 'Balbir Singh' in the year 1978 and out of above-mentioned wedlock one daughter namely 'Devinder Kaur' was born. According to petitioner in 1985 'Balbir Singh' settled in Germany, where he solemnized second marriage with 'Kulvir Kaur' without any information to his former wife and daughter. The petitioner further alleged that when 'Harpal Kaur' came to know about the above-mentioned marriage of 'Balbir Singh', & 'Kulvir Kaur, her relationship with 'Balbir Singh' became sour.

3. The petitioner has further alleged that in the backdrop of above-mentioned development in the year 2012, 'Balbir Singh' hatched a conspiracy and in furtherance thereof solemnized marriage of his daughter 'Devinder Kaur' with 'Jagmohan Singh' on 29.10.2012, without informing his wife and the in-laws.

4. According to petitioner, in January 2013 when father of 'Balbir Singh' expired he visited India alongwith his nephew 'Sarabjit Singh', and that on 18/19 January 2013 petitioner alongwith his father and other family members attended the funeral of father of 'Balbir Singh'. As per petitioner, at the time of above-mentioned visit 'Harpal Kaur' requested them to talk to 'Balbir Singh' and settle the issue.

5. The petitioner further alleged that in view of above-mentioned report of 'Harpal Kaur', once the rituals with regard to death of father of 'Balbir Singh' were over, father of petitioner visited the house of 'Balbir Singh', but he was shocked when he found that house of 'Balbir Singh' was locked. As per petitioner the caretaker present at the above-mentioned house told the father of



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petitioner that 'Balbir Singh' and his nephew 'Sarabjit Singh' had already left for Germany on 31 January 2013. It has been further alleged by the petitioner that 'Harpal Kaur' and 'Devinder Kaur', too, were not present there, and therefore, his (petitioner's) father enquired about, 'Harpal Kaur' and 'Devinder Kaur', but the caretaker told the father of petitioner that 'Harpal Kaur' had left the house on 29.01.2013 and it was told by 'Balbir Singh' that she had left for her parental home.

6. It has been further pleaded by the petitioner that in view of above-mentioned development father of petitioner lodged a missing report with the police regarding his daughter 'Harpal Kaur', vide DDR No.17 dated 03.02.2013 is Police Station Dakha, District Ludhiana which ultimately was converted into the FIR, *i.e.* FIR No.37 dated 18.02.2013 for the commission of offence punishable under Sections 302/201/34 IPC. According to petitioner 'Balbir Singh' alongwith others were arrayed as accused in the above-mentioned FIR, and that in the FIR there was a passing reference that daughter of 'Balbir Singh' and 'Harpal Kaur', namely 'Devinder Kaur', was missing.

7. The petitioner further alleged that once the FIR was lodged in a half-hearted manner, a lopsided investigation was conducted by the police and for nine years, *i.e.* till the year 2021 'Balbir Singh' and 'Sarabjit Singh' could not be arrested and, therefore, they were declared proclaimed offenders.

8. As per petitioner during the course of investigation, the police recorded the statement of husband of 'Devinder Kaur', who stated that on 25.01.2013, when he (husband of 'Devinder Kaur') and 'Devinder Kaur' were present at bus stand Ludhiana, 'Devinder Kaur' hit him with bag and fled from the spot in a white car. It is the allegation of the petitioner that the above-



mentioned unnatural story, which fails to convince a prudent mind, was believed by the Investigating Agency and without making any effort to trace out the whereabouts of 'Devinder Kaur', the investigation qua missing of above-mentioned girl was closed. It is the case of the petitioner that subsequently on 29.10.2021 'Balbir Singh' and his nephew 'Sarabjit Singh' were arrested for the commission of offence punishable under Section 302 IPC and they are facing trial.

9. It is the allegation of the petitioner that no efforts have been made by the police either to trace out 'Devinder Kaur' or to prosecute 'Balbir Singh and 'Sarabjit Singh' for the murder to 'Devinder Kaur'. Hence, the present petition seeking for a direction to submit a status report in the above-mentioned matter, or a direction for constitution of 'Special Investigating Team' of Senior Police Officer posted outside District Ludhiana.

10. Heard.

11. It has been contended by learned Senior counsel for the petitioner that factual matrix of the instant case is unique, because in the instant case due to laxity/negligence on the part of Investigating Agency, whereabouts of a missing girl are not traceable. As per learned Senior counsel for the petitioner, simply because the culprits being NRI are wealthy people and they were having fiduciary relationships being father and cousin of the missing girl, no action is being taken by the police. According to learned Senior counsel for the petitioner, once the missing report was filed before the police, which ultimately culminated into the FIR for the murder of mother of missing girl, the paramount duty cast upon the Investigating Agency was either to trace the missing girl,



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namely 'Devinder Kaur', or to prosecute the culprits i.e. 'Balbir Singh' and 'Sarabjit Singh', for the murder of missing girl also.

12. The learned Senior counsel for the petitioner has also contented that the same lackluster attitude of the Investigating Agency is still continuing and despite the lapse of more than 13 years neither the whereabouts of missing girl have been traced nor the culprits have been prosecuted for her murder.

13. The learned Senior counsel for the petitioner has further contended that instead of performing his statutory duty and trace out the missing girl, the police is believing a theory which any common person of normal prudence will not believe. As per learned Senior counsel for the petitioner this theory fails to appeal that 'Devinder Kaur', the missing girl, hit her husband with a bag and fled from bus stand, Ludhiana in a car. According to learned Senior counsel for the petitioner even if the above-mentioned unbelievable story is accepted to be a gospel truth, the police authorities can not be absolved of the responsibility of tracing the whereabouts of above-mentioned girl. As per learned Senior counsel for the petitioner the police has not been able to do so despite lapse of more than 13 years from the date of incident.

14. While referring to the contents of status report, it has been contended by learned Senior counsel for the petitioner that once the above-mentioned negligent act of the police authorities has placed them in a tight corner before this Court, in the status report the respondents have come forward with a new theory, wherein it is being alleged that the missing girl has settled in Canada on the basis of valid passport issued by Government of India. According to learned Senior counsel for the petitioner, the above-mentioned story being propounded by the Investigating Agency is not believable in view of



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the fact that even today the current address of the missing girl, who is stated to be living in Canada, has not been disclosed. In view of above-mentioned arguments, the learned Senior counsel for the petitioner has contended that the directions sought in the present petition be issued and the respondents be directed either to trace out the whereabouts of missing girl and submit a status report or the Special Investigation Team be constituted.

15. The learned State counsel has controverted the above-mentioned arguments. The learned State counsel while referring to status report dated 22.02.2025 has contended that the present petition is nothing, but the misuse of process of law, and that by projecting false facts a non-existing thing is being tried to be created, with the intervention of the Court. According to learned State counsel, the investigation in the present case has been conducted in a fair, impartial & proper manner, and that whereabouts of the missing girl have been traced and the Senior Police Officer has even talked to the missing girl namely 'Devinder Kaur'.

16. According to learned State counsel once the missing girl is alive and she is settled in Canada, any criminal offence qua missing girl is not made out, and therefore, this stand of the petitioner is not sustainable at all that the FIR No.37 dated 18.02.2013 pertains to double murder, i.e. murder of 'Harpal Kaur' and 'Devinder Kaur'. As per learned State counsel since 'Devinder Kaur' is alive, the accused 'Balbir Singh' and others cannot be prosecuted for her murder.

17. It has further been contended by learned State counsel that the fact that 'Devinder Kaur' is still alive duly stands proved in view of the fact that 'Devinder Kaur' got issued passport in her own name and went to Canada.



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According to learned State counsel once this fact came into notice of Investigating Agency, that the 'Devinder Kaur' is living in Canada, her passport details were verified from Regional Passport Office Chandigarh and the Foreign Regional Registration Officer (FRRO) Bureau of Immigration, Amritsar. According to learned State counsel it has been found that 'Devinder Kaur' got issued the passport No.K2166106 on 15.05.2012, which was valid up to 14.05.2022 and subsequently she got it renewed in Vancouver Canada and the new passport bearing No.V-5291832 dated 10.02.2022 was issued, which is valid till 09.02.2032.

18. The learned State counsel has further contended that the immigration report further confirms that 'Devinder Kaur' left India on 26.01.2013 and returned on 22.09.2016, and thereafter she left India on 02.10.2016 and came again on 14.01.2024. On her second visit she left on 15.02.2024. As per learned State counsel the above-mentioned facts coupled with the statement of two close relatives of 'Devinder Kaur' and the factum of video call with 'Devinder Kaur' by them, in the presence of police officer, proves that petitioner has generated an altogether false story with regard to murder of 'Devinder Kaur'. While claiming that the present petition has been filed with *mala fide* intentions, on false and frivolous grounds, the dismissal of present petition has been sought by learned State counsel.

19. The record has been perused carefully.

20. A careful perusal of record shows that in the present case in order to support its plea that 'Devinder Kaur' is still alive, the respondents have filed the affidavit of Senior IPS Officer, namely Dr. Ankur Gupta IPS, the then Superintendent of Police District Ludhiana (Rural). In his affidavit dated



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22.02.2025 it has been sworn by the above-named police officer that it stands verified that 'Devinder Kaur' is still alive and living in Canada. In Para No.3 of his affidavit it has been mentioned by the above-named police officer that:-

*“that in strict adherence to the aforesaid directions, the deponent has personally reviewed and verified the efforts undertaken by the investigating agency to ascertain the identity and whereabouts of Devinder Kaur. The verification process had been conducted meticulously, and the following steps have been undertaken:*

**A. Video Call Verification & Identification**

- i. *That a WhatsApp video call was conducted by DSP, Sub- Division Dakha, Ludhiana (Rural), with Devinder Kaur on 29.01.2025. During this interaction, Devinder Kaur identified herself, and her identity was further verified in real-time by her maternal aunt, Naseeb Kaur, and her cousin, Santokh Singh, both of whom positively confirmed that the person appearing on the video call was indeed Devinder Kaur.*
- ii. *That the entire video call was recorded and preserved as part of the case record and was subsequently perused by the deponent to ensure compliance with the orders passed by this Hon'ble High Court.*

**B. Statements of Family Members & Independent Verification**

- i. *That in furtherance of the verification process, the statement of Naseeb Kaur (maternal aunt of Devinder*



*Kaur) was recorded before the predecessor of the deponent, Navneet Singh Bains IPS, on 19.02.2025, wherein she reiterated that Devinder Kaur is alive and presently residing in Canada. Copy of the statement is annexed herewith as Annexure R-4.*

- ii. That additionally, the statement of Karamjeet Kaur, cousin sister of Devinder Kaur, was recorded while making a WhatsApp video call, to Devinder Kaur wherein she identified Devinder Kaur and confirmed her presence in Canada. Copy of the statement is annexed herewith as Annexure R-5.*
- iii. That in order to further authenticate the identity of Devinder Kaur, mobile number of Devinder Kaur was obtained from Jaswinder Singh son of Gurdev Singh resident of village Braich, District Ludhiana and WhatsApp video call was made before the predecessor of the deponent in his office in the presence of SP(D) Ludhiana Rural, DSP Dakha and SHO Dakha to the mobile number of Devinder Kaur, i.e., +1 (236) 983 4188 on 18.02.2024. During this call, Karamjeet Kaur was present and confirmed that the person on the call was indeed Devinder Kaur.*

**C. Verification of Passport & Immigration Details**

- i. That upon receiving the information that Devinder Kaur was residing in Canada, her passport details*



*were verified with the Regional Passport Office, Chandigarh, and the Foreigner Regional Registration Officer (FRRO), Bureau of Immigration, Amritsar.*

- ii. That it was found that Devinder Kaur was issued an Indian passport bearing No. K2166106 on 15.05.2012, which was valid till 14.05.2022. Subsequently, she renewed her passport in Vancouver, Canada, and was issued a new Indian passport bearing No. V-5291832 on 10.02.2022, which remains valid till 09.02.2032.*
- iii. That immigration records further confirmed that Devinder Kaur left India on 26.01.2013 and returned on 22.09.2016. She then traveled abroad again on 02.10.2016 and returned to India on 14.01.2024, before leaving once again on 15.02.2024, confirming that she has been residing outside India.*

21. In addition to above, it is also pertinent to mention here that the above-named police officer has also annexed two statements as Annexure R-4 and Annexure R-5 to the affidavit, in support of his above-mentioned stand. Annexure R-4 is the statement of 'Naseeb Kaur'. It has been stated by 'Naseeb Kaur' that 'Harpal Kaur' was her real sister, and that her niece 'Devinder Kaur' is residing in Canada. The above-named relative of 'Devinder Kuar also deposed that she had seen the photograph and passport of 'Devinder Kaur' shown to her, and that she could identify that photograph on the passport was of 'Devinder Kaur' only. The above-named 'Naseeb Kaur' has also stated that a



video call was arranged by the police officer with 'Devinder Kaur', and that she could recognize 'Devinder Kaur' on the other side during above-mentioned video call.

22. In the similar fashion, the above-named police officer has also annexed the statement of 'Karamjeet Kaur' as Annexure R-5 to his affidavit. 'Karamjeet Kaur' is the cousin *i.e.* father's brother's daughter of 'Devinder Kaur'. 'Karamjeet Kaur', too, has stated that 'Harpal Kaur' is living in Canada, and that a video call was facilitated by the police officer with 'Devinder Kaur', and that she spoke to 'Devinder Kaur' and identified her as her cousin.

23. Taking into consideration the cumulative effect of all the above-mentioned efforts made by the Investigating Agency, it is apparent that every possible effort has been made by the Investigating Agency to trace out the whereabouts of 'Devinder Kaur' and apparently it is only the figment of imagination of the petitioner that she has been killed by her father 'Balbir Singh' and other co-accused. In fact, there is nothing on record to disbelieve the above-mentioned affidavit sworn by a Senior IPS Officer, which is duly supported with reliable evidence, including the statement of two close relatives, the factum of issuance of passport, the record with regard to visit of 'Devinder Kaur' to India in 2016 and 2024 and the video calls with close relatives.

24. In view of above-mentioned facts situation, in my opinion this plea of petitioner is not sustainable at all, that there has been any laxity or deliberate attempt on the part of the respondents not to prosecute 'Balbir Singh' for the murder of 'Devinder Kaur'. Since 'Devinder Kaur' is still alive, the question of prosecution of anybody for the murder of 'Devinder Kaur' does not arise at all.



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25. Taking into consideration the above-mentioned discussion, it is hereby observed that the present petition filed by the petitioner does not contain any sound plea which may lead to the conclusion that there is requirement for probing the matter further or setting up a 'Special Investigation Team'. Thus, it is hereby observed that present petition is devoid of merits and deserves dismissal. The same is hereby **dismissed**, accordingly.

26. All other pending applications, if any, shall also stand disposed off, accordingly.

(SURYA PARTAP SINGH)  
JUDGE

05.06.2026.

*vipin* Whether speaking/reasoned : Yes  
Whether Reportable : No