

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4009-2015 (O&M)

Decided on: 26.03.2015

Mohit

. . . Petitioner

Versus

State of Punjab

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Ms. Sunita Nambiar, Advocate for  
Mr. Balkar Singh, Advocate  
for the petitioner.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

Mr. Sandeep Arora, Advocate  
for the complainant.

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**RAJ MOHAN SINGH, J. (Oral)**

On 02.03.2015, this Court passed the following order:-

*“According to the State Counsel, it has been informed by ASI Sukhpal Singh, Police Station Salem Tabri that the petitioner had not joined the investigation whereas the application is that the police is not joining the petitioner for investigation and he is seeking a direction to the Investigating Officer to allow him to join investigation.*

*The fact of the matter seems to be that the girl Shivani is living with the petitioner as his wife and the Investigating Officer had asked the petitioner to bring*

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*Shivani along with him so that further proceedings could be taken accordingly and if she wanted to make a statement under Section 164 Cr.P.C., the same could be got recorded.*

*The application is, therefore, allowed. The Investigating Officer shall permit the petitioner to join the proceedings but at the same time the petitioner is directed to go to the Investigating Officer along with Shivani in the Police Station concerned on 5.3.2015 at 11:00 A.M. Further investigation may be taken accordingly.*

Thereafter, Shivani appeared before the police and she was taken to the Magistrate for recording her statement under Section 164 Cr.P.C. The statement of Shivani under Section 164 Cr.P.C. was recorded on 09.03.2015 to the following effect:-

*“On S.A. Stated that my date of birth is 16.12.1996 and I am Major. I have studied in S.D.P. Model Senior Secondary School and Passed 10+2 in year 2014. I knew the accused from last 3 years and he is a cloth merchant. We feel in love with each other. On 06.11.2014 I had a quareel with my mother and 7.11.2014 I myself had acalled accused Mohit Kumar and asked him to take me away from my home and accordingly we left for Chandigarh where we performed our marriage on 12.11.2014 in a Shiv Mandir at Panchkula. After marriage we started residing in a rented premises at Kala Aamb. I resided with accused with my free will and consent and was happily living my matrimonial life. I am happily living as a wife with accused Mohit Kumar. I left my parental family on my own and nobody has any role in me, leaving my parental house and family. The present case has been*

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*wrongly got registered by my father, rather I insisted the accused to join me when I wanted to leave my house. I want to go back to my parental house. The accused never inflicted any physical or mental cruelty upon me, rather I am happily living with him.*

*RO&AC.*

*Sd/-  
Pankaj Verma  
J.M.I.C/Ludhiana  
Dated 09.03.2015."*

Learned D.A.G. Punjab on instructions from ASI Sukhpal Singh states that petitioner is no more required for custodial interrogation and has joined the investigation.

At this stage, learned counsel for the petitioner submits an affidavit of Shivani allegedly incorporating facts contrary to her version recorded in the statement under Section 164 Cr.P.C.

Since the investigation is in progress, the police would be at liberty to investigate the matter from all the corners.

In view of the above, interim order dated 09.02.2015 is made absolute.

Petitions stands disposed of.

**[ Raj Mohan Singh ]  
Judge**

26.03.2015  
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