

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24160-2016

Date of Decision: September 2, 2016

Ram Bhaj

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Surinder Gandhi, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana,
for respondent Nos. 1 to 7.

Mr. Sandeep K. Sharma, Advocate,
for respondent Nos. 8 to 11.

RITU BAHRI, J. (Oral)

The petitioner is seeking transfer of investigation of FIR No. 599, dated 11.6.2016, under Section 346, IPC, registered at Police Station, City, Karnal, and FIR No. 80, dated 5.7.2016, under Sections 328, 342, 365, 376D, 384 and 506 read with Section 34, IPC; Section 66E of the Information Technology Act, 2000; and Section 25 of the Arms Act, 1959, registered at Police Station, Women, Karnal, to an independent investigation agency.

The petitioner alleged that Rajbir Saini, Rajesh @ Moni, Rakesh @ Rocky, wife of Rajbir Saini, and one Sahil, had induced and abducted his daughter, Sonia. In this backdrop the above mentioned two FIRs were registered. The petitioner had also filed a habeas corpus writ petition, bearing CRWP No. 912 of 2016 in this Court for production of his daughter from the illegal custody of the accused persons.

On notice, reply by way of affidavit of Deputy Superintendent of Police (City), Karnal, on behalf of respondent Nos. 1, 2, 4, 5 and 7, has been filed today in the Court, which is taken on record and a copy thereof given to learned counsel for the petitioner.

After registration of FIR No. 599, dated 11.6.2016 (Annexure P-1), which was registered on the basis of a complaint made by the petitioner, thorough investigation was conducted and it was found that the daughter of the petitioner had solemnized marriage with Rajesh Saini @ Moni Saini as per her own sweet will. Sonia even suffered statement under Section 164, Cr.P.C., that she performed marriage with Rajesh Saini with her free will and consent and that she had suffered her earlier statement against Rajesh Saini and others under due to pressure of the petitioner. On the basis of above, cancellation reports have been filed which are pending before the Trial Court.

Learned counsel for respondent Nos. 8 to 11 submitted that in criminal writ petition filed by the petitioner, the alleged detainee-Sonia appeared before this Court and stated that she is major and living with Rajesh Saini @ Moni Saini with her free will and consent after solemnizing marriage and that she is not in illegal confinement. Accordingly, the said petition was dismissed vide order dated 10.8.2016. Learned counsel has also shown copy of the certificate of marriage, showing that Sonia and Rajesh Saini had performed their marriage as per Hindu Vedic rites and customs at Jan Kalyan Charitable Trust (Regd.), Ward No. 1, Dogran Mohalla, Hisar.

The date of birth of Sonia, daughter of the petitioner is 6.11.1995, and she was major at the time when she performed her marriage

with Rajesh Saini. She had appeared before this Court in the habeas corpus petition filed by the petitioner and stated that she had performed the marriage as per her own free will and consent. In criminal cases filed at the instance of the petitioner, the police after thorough investigation has already submitted cancellation reports which are pending consideration before learned Trial Court.

In view of above, no further adjudication of the present petition is necessary and no orders are required to be passed. The same is disposed of accordingly. However, the petitioner shall be at liberty to raise all the pleas available to him, in accordance with law, before learned Trial Court.

(RITU BAHRI)
JUDGE

September 2, 2016
Pkapoor

Whether Speaking/Reasoned:
Whether Reportable:

✓YES / NO
YES / NO✓