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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-39129 of 2017 (O/M)
Date of decision : 6.12.2017

Kaka Ram and others ..... Petitioners

Versus

State of Haryana and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.L. Saini, Advocate, for the petitioners.

Mr. Pawan Garg, AAG Haryana.

Mr. M.K. Sharma, Advocate, for respondents No. 5 and 6.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-.- -.-

KULDIP SINGH J. (ORAL)

Heard.

The State has filed the reply in Court today and same is taken on record, in which it is stated that Aman and Priya had filed CRM-M-37313-2017 before this Court, stating that they have married against the wishes of the parents on 30.9.2017 and sought protection from this Court. The said petition was disposed of with a direction to Commissioner of Police, Panchkula, to consider the application filed by said petitioners. It is further stated that Priya was produced before the learned Judicial Magistrate, Kalka, and her statement under Section 164 Cr.P.C. was recorded, wherein she has stated that she has married with Aman son of petitioner No. 1 with her own wish, without any pressure and now, she wants to stay with Aman. The statements of Aman and Priya were also recorded by the police, wherein they have stated that they do not

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need any protection. Petitioner No. 1 Kaka Ram has filed an affidavit before the police, stating therein that Aman and Priya do not want further protection from police. However, learned counsel for respondents No. 5 and 6 has produced copy of search warrants, issued by Sub Divisional Magistrate, Kalka, for production of Priya before him.

It appears that the fact that Priya had married with Aman and made statement before the learned Judicial Magistrate, Kalka, under Section 164 Cr.P.C., was probably not brought to the notice of Sub Divisional Magistrate, Kalka, at the time of issuance of search warrants. Therefore, the police is directed to ignore the compliance of search warrants and protect the life and liberty of Aman and Priya. SDM, Kalka, is directed to re-consider the case in the light of observation of this Court. It is further directed that petitioners shall not be called to police station without issuing notice under Section 160 Cr.P.C.

In view of above, petition is disposed of.

(KULDIP SINGH)
JUDGE

6.12.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No