

CRM-M-40798-2017 (O&M)
Date of decision: 31.10.2017

Abhey Singh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashok Giri, Advocate for the petitioners.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for protection of life and liberty of the petitioners at the hands of the private respondents.

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of respondent Nos.1 to 3-State.

It is submitted on behalf of the petitioners that presently, petitioner No.1 is aged about 29 years and petitioner No.2 is aged about 26 years. The mother of petitioner No.2 lodged an FIR No.86, dated 25.03.2010, under Sections 363, 366 IPC at Police Station, Sector -5, Gurgaon with the allegation that petitioner No.1 had kidnapped her daughter i.e. petitioner No.2. Later on, the trial Court vide its judgment dated 02.06.2011 convicted the petitioner No.1 for offence under Sections 363 and 366 IPC and sentenced him to undergo 10 years rigorous imprisonment. Petitioner No.1 filed CRA-S-1646-SB-2011, which stands admitted and after about 03 years of custody, he was granted suspension of sentence, vide order dated 27.05.2013 passed in the aforesaid appeal. It is further submitted that after release of petitioner No.1, both the petitioners have performed their marriage at New Delhi on 10.09.2013 and thereafter, they were living at Hyderabad and doing jobs in private sector. He further submits that the petitioners, when came back to Chandigarh on the eve of Diwali 2017, the private respondents have stated harassing them and petitioner No.2 is apprehending that since she has performed marriage with petitioner No.1 against the wishes of her

family members, he may again be put in illegal confinement.

In view of the above, the matter was referred to Mediation and Conciliation Centre of this Court for recording the statement of both the petitioners. The Mediator has recorded the statement today itself in which petitioner No.2 has stated that she got married with petitioner No.1 of her own free will and she is living happily with him and they are doing private jobs.

Considering the fact that both the petitioners are educated persons and have decided to live together, despite the fact that petitioner No.1 was convicted earlier on allegation of abduction of petitioner No.2 in an FIR, registered by mother of petitioner No.2, this Court feels that apprehension of the petitioners is genuine and accordingly, respondent No-2- the Superintendent of Police, Panchkula is directed to ensure that the life and liberty of both the petitioners is protected. Since a representation (Annexure P-6) dated 25.10.2017 has already been made to respondent Nos.2 and 3, they are directed to dispose of the representation in accordance with law and in case, the petitioners feel any threat to their life and liberty, respondents No.2 and 3 will ensure that the protection is provided during their stay at Panchkula.

However, nothing is observed in this order regarding the validity of the marriage of the petitioners.

Disposed off.

(ARVIND SINGH SANGWAN)
JUDGE

31.10.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No