

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: February 08, 2017

1)

Crl. Writ Petition No.12 of 2017

Munna Khan

...Petitioner

Versus

State of Punjab

...Respondent

2)

Crl. Misc.No.M-3413 of 2017

Hashim

...Petitioner

Versus

State of Punjab and another

...Respondents

3)

Crl. Misc.No.M-2220 of 2017

Hashim

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. A.B. Sidhu, Advocate
for the petitioner in CRWP No.12 of 2017.

Mr. Maninder Arora, Advocate
for the petitioner in CRM-M Nos.2220 and 3413 of 2017.

Mr. K.S. Pannu, DAG, Punjab.

Amol Rattan Singh, J. (ORAL)

CRWP No.12 of 2017

In this petition, the petitioner has sought production of his daughter, Ariba Khan, allegedly kidnapped by respondent no.4 Mohd. Hashim. It is stated therein that the girl is missing since 21.11.2016, along

with allegedly 54 tolas of gold and various school certificates and cash, from the house of the petitioner. An FIR was also got registered on 24.11.2016 at Police Station Shambu, District Patiala, a copy of which has been annexed as Annexure P-1 with the petition. However, in the FIR, it is only stated that the girl, Ariba Khan, left home at 4.00 a.m. on 21.11.2016, taking along with her, her school certificates and “other proofs”.

The present petition is seen to be filed on 06.01.2017.

Thereafter, on 20.01.2017, CRM-M-2220-2017 was filed by the aforesaid Mohd. Hasim (respondent no.4), seeking anticipatory bail in the aforesaid FIR, i.e. FIR No.155, dated 24.11.2016, registered for the alleged commission of an offence punishable under Section 365/120-B IPC, at Police Station Shambu, District Patiala.

Thereafter, on 30.01.2017, CRM-M-3413 of 2017, was also filed by the aforesaid Mohd. Hasim, praying for quashing of the aforesaid FIR.

At the time when the petition seeking anticipatory bail (filed by the aforesaid Mohd. Hashim (respondent no.4), came up for hearing before this Court on 24.01.2017, Ariba Khan, who had been impleaded as respondent no.2 in both the petitions, (seeking anticipatory bail and quashing of the FIR), was also present in Court and upon query from the Court, she had stated that she is above legally marriageable age and has married respondent no.4 Mohd. Hashim, of her own free will and would continue to reside with him.

When the petition seeking quashing of the aforesaid FIR came

up, it was also noticed in the order dated 06.02.2017, that Mohd. Hashim and Ariba Khan had filed a petition seeking protection of their life and liberty at the hands of the parents and relatives of the girl before the Allahabad High Court, which Mr. Maninder Arora, learned counsel, submitted had been allowed on 15.12.2016.

Consequently, both the petitions, i.e. CRM-M-2220-2017 and CRM-M-3413-2017 had been adjourned till today, in view of the fact that Mr. Arora had stated that the petition filed by the father, i.e. present petition, is to come up for hearing today.

Today again, the aforesaid girl, Ariba Khan, has been asked by this Court, whether she had married respondent no.4 Mohd. Hashim of her own free will and whether she continues to reside with him also of her own will, to which she has asserted in the affirmative.

She has also stated that there is no pressure of any kind on her to make the said statement and she would not like to go back with her father and would continue to reside with her husband, i.e. respondent no.4.

Mr. Sidhu, learned counsel for the petitioner, had initially requested the Court that the petitioner be allowed to speak to his daughter but subsequently, only the brother of the girl, Mohd. Sohail, came forward and stated that his father was unwell and therefore has not come.

Keeping in view the aforesaid circumstances, specifically of course the statement of Ariba Khan, who is stated to be above marriageable age even as per her brother, who has also stated that she is 20 years old, this petition is dismissed.

CRM-M-3413-2017

As noticed above, this petition has been filed seeking quashing of FIR No.155, dated 24.11.2016, registered for the alleged commission of an offence punishable under Section 365/120-B IPC, at Police Station Shambu, District Patiala.

The entire sequence of events having already been narrated herein above, learned State counsel, on query submits that in the aforesaid circumstances, the investigating agency would have also nothing further to say.

Mr. Sidhu, learned counsel for the petitioner in CRWP No.12 of 2017 also fairly submits that in view of the above, nothing further can be said on behalf of the petitioner.

Consequently, FIR No.155, dated 24.11.2016, registered for the alleged commission of an offence punishable under Section 365/120-B IPC, at Police Station Shambu, District Patiala, along with all consequential proceedings arising therefrom, is hereby quashed.

Mr. Arora, learned counsel for the petitioner, submits that as the petitioner and respondent no.2 are apprehending a threat to their lives and liberty at the hands of respondent no.2, who are stated to be present in large number in the High Court premises, the petitioners may be provided adequate security.

Consequently, vide a separate order of even date, the Registrar (Judicial) of this Court has been directed to immediately contact the Station House Officer, Police Station, Sector-3, Chandigarh, and to further direct

him to provide due escort to the petitioners from the Court premises and to also inform the SHO of the police station concerned in whose jurisdiction the petitioners would be residing, to ensure their protection thereafter.

CRM-M-2220-2017

Since the FIR in question, in respect of which anticipatory bail has been sought, has itself been quashed, this petition has been rendered infructuous and is disposed of as such. Obviously, there is no cause for the petitioner to be arrested.

A copy of this order be placed on the file of the other connected matters too.

(AMOL RATTAN SINGH)
JUDGE

February 08, 2017
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Whether reasoned/speaking: Yes
Whether reportable: Yes