

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-20178 of 2017 (O&M)

Date of Decision:15.01.2018

Nawab Khan

..... Petitioner

Versus

State of Haryana

..... Respondent

AND

CRM-M-23964 of 2017 (O&M)

Munashib

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. J.S.Hooda, Advocate
for the petitioner (in CRM-M-20178 of 2017)

Mr. Manav Satija, Advocate
for Mr. Rajesh Lamba, Advocate
for the petitioner (in CRM-M-23964 of 2017).

Mr. Sanjay K. Saini, AAG, Haryana.

LISA GILL, J(Oral).

This order shall dispose of CRM-M-20178 of 2017 and CRM-M-23964 of 2017. For the sake of convenience, facts are extracted from CRM-M-20178 of 2017.

It is submitted that the victim in this case solemnized marriage with the petitioner-Munashib on 07.11.2016. Translation of the Nikahnama is attached as Annexure P-2 with CRM-M-26964 of 2017. It is further submitted that the petitioner-Munashib and the victim approached this Court

by way of filing CRM-M-41034 of 2016 seeking protection of their life and liberty after solemnization of marriage. The same was disposed of by this Court on 16.11.2016 (Annexure P-4). The victim also addressed representation dated 18.11.2016 to the S.H.O., Police Station Sadar Palwal, Superintendent of Police, Palwal.

It is argued that there is a delay of 11 days in lodging of the FIR, which reflects on the falsity of the same. The alleged incident is stated to have taken place on the intervening night of 5/6.11.2016 and the FIR in this case was lodged on 16.11.2016.

In respect to the petitioner-Nawab Khan, it is submitted that FIR No. 356 dated 15.09.2011, under Section 376 and 506 IPC, was registered at Police Station Sadar, District Palwal at the instance of Nawab Khan's wife against the father of the prosecutrix. Therefore, the petitioner-Nawab Khan, has been falsely implicated on this account. He has nothing to do with the controversy at hand. It is opposed to all probability that the victim could have been abducted from the home of the complainant at night and thereafter, no action would be taken by them for a number of days. Petitioners, it is submitted are not involved in any other criminal case. They have joined investigation pursuant to interim orders passed by this Court. It is thus prayed that these petitions be allowed.

Learned counsel for the State while opposing these petitions submits that the victim in her statement under Section 164 Cr.P.C., has raised specific allegations against both the petitioners. CRM-M-41034/2016 may have been filed by the victim under duress.

Heard learned counsel for the parties.

Registration of FIR No. 356 dated 15.09.2011 against the father of the victim at the instance of Nawab Khan's wife is not disputed. It is

verified on instructions from ASI Rajesh Kumar, Police Station Sadar, District Palwal, that the petitioners have joined investigation in this case and are not involved in any other criminal case. There are no allegations on behalf of the State that the petitioners are likely to abscond or influence witnesses in any manner.

Keeping in view the facts and circumstances as above, but without commenting upon or expressing any opinion on the merits of the case, these petitions are allowed. Consequently, order dated 08.10.2017 in both the petitions, is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

15.01.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.