

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25853-2018

Date of decision: 10.07.2018

Hamid and another

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munfaid Khan, Advocate and
Mr. S.K. Tripathi, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

Mr. Navneet Singh, Advocate
for respondents No.3 to 13.

Ms. Ashima Mor, Advocate
for U.T. Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondents No.1 & 2 to protect the life and liberty of the petitioners at the hands of respondents No.3 to 13.

On the last date of hearing, following order was passed: -

“Petitioner No.2-Sahnaz, one Rahisan, first wife of petitioner No.1-Hamid and one Sharaft son of Naseer Ahmad, first husband of petitioner No.2-Sahnaz are present in the Court and they were directed to appear before the Mediation and

Conciliation Centre of this Court for recording their statements.

The Mediator has recorded the statement of petitioner No.2-Sahnaz wherein, she has stated that petitioner No.1-Hamid had divorced his first wife in the month of January, 2018 and she has also taken divorce from her first husband, namely, Sharaft. Rahisan, first wife of petitioner No.1-Hamid, has stated that from her marriage with petitioner No.1, she has a daughter aged about four years and petitioner no.1-Hamid has never given divorce to her.

Sharaft son of Naseer Ahmad, the first husband of petitioner No.2 has also stated that he is teaching in a Masjid and his marriage with petitioner No.2-Sahnaz was performed five years ago and he has never given divorce to her till date.

The Mediator has also recorded the statement of one Suleman son of Nathi, who is father of petitioner No.2-Sahnaz. He has stated that her daughter Sahnaz is already married to Sharafat and is not extending any threat to the petitioners.

Counsel for the petitioners submits that petitioner No.1-Hamid, who is in protection home at Mewat under the supervision of Superintendent of Police, Mewat, be directed to remain present in the Court on the next date of hearing to enable him to seek instructions, if he is ready to deposit an amount of Rs.10 lakhs in the name of his wife, namely, Rahisan and his four years old daughter.

List again on 10.07.2018.

Till the next date of hearing, petitioner No.2 is directed to remain in the protection home at Chandigarh as per order dated 13.06.2018.”

Reply of Deputy Superintendent of Police, Punhana filed on behalf of respondents No.1 & 2 in the Court today, is taken on record and as

per this reply, statements of all the parties have again been recorded by the police authorities. Sukarbi, mother of petitioner No.2 has stated that petitioner No.1 has enticed away her daughter. Similar statement has been made by Suleman, father of petitioner No.2. Respondents No.5 to 13 have also made their statements to the similar effect.

Learned counsel for the petitioners submits that petitioner No.1 is not ready to deposit the amount in the name of his wife namely Rahisan and four years old daughter and rather wants to live with petitioner No.2. Counsel for the petitioners further submits that with these observations, this petition may be rendered as infructuous.

Ordered accordingly.

The order dated 13.06.2016 granting interim protection to petitioner No.2 and the order dated 20.06.2018 granting protection petitioner No.1 are modified to the extent that ASI Sakunt Raj shall accompany both the petitioners to the office of Superintendent of Police, Mewat, from there they will be free to go to any place of their choice.

The Superintendent of Police, Mewat will look into the grievance of the petitioners with regard to grant of protection to their life and liberty, if so required.

Disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

10.07.2018
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No