

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

**CRM-M No. 15837 of 2019 (O & M)
Date of Decision:-02.05.2019**

Isha Attri and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vikram Kumar, Advocate
for the petitioners.

Ms. Ashima Mor, APP for UT Chandigarh.

Mr. Nishchal Mann, DAG, Haryana.

Mr. S.S. Verma, Advocate
for the applicants-respondents No.4 and 5.

MANOJ BAJAJ J.(Oral)

In continuation of order passed before lunch session, the case is again taken up. On request of learned counsel appearing for the private parties, the main case i.e. CRM-M-15837-2019, fixed for 10.5.2019, is preponed and taken up on Board today.

The petition was filed by the petitioners jointly seeking issuance of directions to official respondents No.2 and 3 for protection of their life and personal liberty.

On 05.4.2019, the following order was passed by this Court :-

“At the time of first hearing today itself, the following order was passed :-

“This petition has been filed by the petitioners under Section 482 Cr.P.C. seeking directions to respondents No.2 and 3 for protection of their life and personal liberty, who have allegedly entered into marriage on 03.4.2019.

Heard learned counsel for the petitioners.

The representation dated 03.4.2019 (Annexure P-4), attached with the petition does not support the pleadings contained in the petition and, therefore, it becomes necessary to examine petitioner No.1. She has fairly stated that no threat was extended by her parents to the petitioners. In support of the said representation dated 03.4.2019, it was explained by her that it was given by her personally to the Superintendent of Police, Panchkula, whereas the said representation was addressed to the Superintendent of Police, Jind.

Above all, the photographs of marriage (Annexure P-3) do not reflect that the alleged marriage was performed in a temple as mentioned in the representation, because it is clear from photographs that the photographs of Gods and Goddesses are placed in an almirah. Consequently, her stand regarding marriage with petitioner No.2- Shubham is not worth believing and the same is rejected.

At this stage, parents of the girl, who are present in Court with tears make a prayer that they be allowed to meet their daughter (petitioner No.1). The said offer is accepted by the daughter (petitioner No.1) and her counsel.

Resultantly, the parties are relegated to the

Mediation & Conciliation Center of this Court for making an attempt to explore the possibility of reconciliation. The matter will be taken up after some time.”

The attempt before the Mediation and Conciliation Centre of this Court failed and, resultantly, the parties are before this Court once again.

At this stage Mr. Shokeen Singh Verma, Advocate appears on behalf of respondents No.4 and 5 (parents of petitioner No.1) and filed vakalatnama on their behalf. The parents of petitioner No.1 are also present in person.

It is apprised by the parties that petitioner No.1 has expressed her unwillingness to live with her parents and wishes to join the company of petitioner No.2.

At this stage, the parents of the girl have intervened through counsel Mr. Shokeen Singh Verma, Advocate and submit that their daughter needs counselling and the matter cannot be resolved in one sitting. This Court has already examined petitioner No.1 and after noticing her conduct, stand regarding this marriage already stands rejected.

No doubt, the petitioner No.1 is stated to be major but at this stage it will not be safe to accept her version as truthful. At present the welfare of petitioner No.1 is the prime concern and thus she cannot be allowed to accompany petitioner No.2 as the possibility of her exploitation cannot be ruled out.

Ms. Ashima Mor, APP for UT Chandigarh, who is present in Court is requested to accept notice of this petition. A complete set of paper book is handed

over to her in Court.

For the time being, Ms. Ashima Mor, learned counsel for the UT Chandigarh is asked to make necessary arrangements to send the girl (petitioner No.1) to the Nari Niketan, Sector 26, Chandigarh during pendency of this petition.

Adjourned to 10.5.2019.

Learned counsel for the respondents to file their respective replies on the said date with a copy in advance to learned counsel for the petitioner.

A copy of this order be supplied to learned counsel for the UT, Chandigarh under signatures of the Court Secretary of this Bench for necessary compliance.”

CRM-14102-2019 has been filed by parents (respondents No.4 and 5) for release of their daughter from Nari Niketan. Alongwith the application, Annexure R-1 has also been filed whereby she has expressed the willingness to join the company of parents i.e. respondents No.4 and 5.

Notice of the application was given and learned counsel for UT Chandigarh was directed to produce the girl in Court (petitioner No.1- Isha Attri) after lunch session.

The girl has been produced before the Court by L/C Ranjeet Kaur, Police Lines, Chandigarh. The parents of the girl (petitioner No.1) are also present in Court.

Petitioner No.1 has expressed her willingness to join the company of parents and at the same time she does not want to pursue this petition. Respondents No.4 and 5 have also expressed their desire to take

the custody of petitioner No.1. Statement of the petitioner No.1-Isha Attri and respective affidavits of her parents to this effect are filed in Court and taken on record.

At this stage, learned counsel for the petitioners submits that in view of the stand adopted by the girl (petitioner No.1-Isha Attri), this petition is rendered infructuous.

In view of the above development, the petition is disposed off as infructuous and it is ordered that the girl (petitioner No.1-Isha Attri) be released from Nari Niketan, Sector-26, Chandigarh, allowing her to accompany her parents.

May 02, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No