

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

210

CRWP-4581-2020

Date of decision: 21.07.2020

Vinod Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for respondents No.1 to 6-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner, claiming himself to be in love with Rajni Devi, aged 21 years who is stated to have agreed to marry him, has filed this petition under Article 226 of the Constitution of India for issuance of directions to respondents No.2 to 6 to get Rajni Devi released from detention of respondents No.7 to 10 who are opposed to their marriage due to the petitioner being from a different caste and to protect his life and liberty and also that of Rajni Devi against danger at the hands of respondents No.7 to 10.

Vide order dated 09.07.2020, notice of motion was issued to respondents No.1 to 6.

Learned State counsel has filed reply by way of affidavit of Rajiv Kumar, HPS, Deputy Superintendent of Police, Karnal on behalf of respondents No.1 to 4 through e-mail print out of which is taken on record.

Copy of the same has been supplied to learned counsel for the petitioner.

In his affidavit Rajiv Kumar, HPS, Deputy Superintendent of Police, Karnal has mentioned that respondents No.7 to 10 who are parents and relatives of the above said Rajni Devi and Rajni Devi made statements to SI Virender Singh, Investigating Officer, Police Post Ramba, Police Station Sadar Karnal to the effect that few days back the petitioner came to their house and told them to get Rajni Devi employed as his approach is upto the Minister and took her certificates and Adhaar Card from her mother. After some days, the petitioner told them to send Rajni Devi with him for such employment but they refused to do so on which he misused the documents and misguided the Hon'ble High Court and Administration. Rajni Devi was produced in the Court of Shri Harish Goyal, learned Duty Magistrate/Addl. Chief Judicial Magistrate, Karnal on 14.07.2020 and her statement under Section 164 of the Code of Criminal Procedure, 1973 (Annexure R-6) was got recorded. Subsequently, Sub Inspector Virender Singh also recorded her statement dated 14.07.2020 (Annexure R-7).

In her statement (Annexure R-6) made before learned Duty Magistrate/Addl. Chief Judicial Magistrate, Karnal, Rajni Devi stated that she is aged about 20 years. Vinod Kumar is the friend of her brother. He used to come at their house. She is not to marry with Vinod Kumar. She has not been abducted by her family members. On 20.06.2020 his phone call had come on the mobile of their house. He threatened her that he would spoil her and put pressure upon her to marry with him. He took documents relating to her from their house

about 4-5 months back while saying that he would get employment to her. She wants to live with her parents.

In her statement dated 14.07.2020 (Annexure R-7) made to SI Virender Singh, Rajni Devi, inter alia, stated that she is living happily in her family and there is no undue pressure on her. She never talked to Vinod regarding her marriage with him and he has filed a false complaint in this Court. She wants to live with her parents.

Learned counsel for the petitioner has reiterated the factual averments made in the petition and has, while asserting statements of Rajni Devi to be involuntary made under pressure, stressed for issuance of directions for ensuring release of Rajni Devi from detention of respondents No.7 to 10 and for protection of life and liberty of the petitioner and Rajni Devi.

Statement made by Rajni Devi before learned Duty Magistrate/Addl. Chief Judicial Magistrate, Karnal cannot be said to be involuntary having been made under pressure and in view thereof, Rajni Devi cannot be said to be in illegal detention by respondents No.7 to 10 and to be willing to marry the petitioner. Therefore, no directions regarding her release or protection of her life and liberty as prayed for by the petitioner are required to be issued.

So far as protection of the life and liberty of the petitioner is concerned, respondent No.3-Superintendent of Police, Karnal is directed to look into the grievances of the petitioner as and when approached by the petitioner and take appropriate action for protection of his life and liberty as may be warranted by the circumstances in view of the threat perception.

The petition is disposed of accordingly.

A copy of this order be sent to respondent No.3-
Superintendent of Police, Karnal for requisite compliance.

21.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No