

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No. 6767 of 2021

Date of Decision: 08.09.2021

Ankit Mehla

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

Mrs. Kanwal Walia, Advocate,
for respondents no. 6 and 7

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing respondents no. 2 and 3 to protect the life and liberty of the petitioner and his family members at the hands of respondents no. 6 and 7 in the petition.

On 22.07.2021, the following order had been passed by this court:-

“Case heard via video conferencing.

Notice of motion.

*Mr. Neeraj Poswal, learned AAG,
Haryana, accepts notice at the asking of the court on
behalf of respondents no. 1 to 5.*

Respondents no. 6 and 7 be served by way

of normal process, returnable on 19.08.2021.

In the meanwhile, protection of life and liberty being a basic fundamental right of every citizen enshrined under Article 21 of the Constitution of India, respondents no.1 to 5 shall ensure that the life of the petitioners is duly protected; and as regards liberty, naturally it would be protected as per law.

Learned counsel also submits that the life and liberty of one Khushbu be also protected, though she is not a party to this petition, either as a petitioner or as even a respondent.

Learned counsel submits that in fact the petitioner had married that girl on 11.06.2020, i.e more than 13 months ago, but now respondents no.6 and 7 are trying to forcibly marry her off to someone else.

In the meanwhile, though the S.P, Kurukshetra, is not a party to the petition, since the said girl is stated to be living with respondent no. 6 in Thanesar, District, Kurukshetra, the S.P, Kurukshetra, is ordered to be impleaded as respondent no.8 in the petition, with the Registry directed to carry out the necessary correction in the Memo of Parties and with learned State counsel directed to accept notice on his behalf too.

The S.P, Kurukshetra, shall ensure that the aforesaid girl is not forcibly married off to anybody else and that she is taken under escort of lady police officials without any other person accompanying her from her family (if she is of the age of majority as per documentary evidence), to be produced before the learned Area Magistrate concerned in Sessions Division Kurukshetra, where she would record her statement as to whether or not she had married the

petitioner of her own will and whether she is being forcibly married off to any other person, or not.

Naturally, the S.P, Kurukshetra, will also have the affidavit of a gazetted officer filed, after enquiring into the matter.

A copy of the petition be e-mailed to learned State counsel today itself by learned counsel for the petitioner.”

Thereafter, a reply dated 16.08.2021 has been filed on behalf of the respondent-State by way of an affidavit of the Deputy Superintendent of Police, Kurukshetra, annexing therewith the statement of the girl that the petitioner alleges he married on 11.06.2020, as per the copy of the “certificate” shown to be issued by a *Purohit* of the *Jai Jawala Maa Lala Mandir, Rajiv Puram, Gali No. 2, Phoosgarh, Karnal* (copy Annexure P-1 with the petition).

As per the said statement recorded by the learned Judicial Magistrate Ist Class on 06.08.2021, the aforesaid girl/lady stated that she has not solemnized any marriage with the petitioner and that the petitioner had prepared “false proofs with receipt”.

She further stated that neither her parents or any member of her family ever put any pressure upon her to perform a marriage and that she had been given complete freedom to perform her marriage.

Last, she has stated that she had no dealings with the petitioner (Ankit Mehla) and no relationship with him and that she further does not wish to also keep any relations with him.

The petitioner has filed an application bearing CRM-W-887-2021, on 29.07.2021, seeking that no coercive action be taken against him till

the recording of the statement of the girl and with Mr. Vikram Singh now submitting that after the statement of the girl was recorded FIR No. 416, dated 26.07.2021, has been registered at Police Station Sector 32-33, Karnal, alleging therein the commission of offences punishable under the provisions of Sections 420/467/468/471/ 120-B of the IPC.

That application in fact being one seeking that no coercive steps be taken against the petitioner, till the statement of the girl was recorded, it has been rendered infructuous and is disposed of as such.

Thereafter, on 23.08.2021, the petitioner has filed another application bearing CRM-W-1006-2021, seeking to place on record an order passed by learned Sessions Judge, Karnal, dated 13.08.2021, by which the petitioner has been admitted to interim bail under the provisions of Section 438 of the Cr.P.C., with observations made by that court as regards the marriage of the petitioner to the girl (but with of course this court not making any comment on that issue at all, the learned Sessions Judge already being seized of that matter).

Notice in the application.

On the asking of the court, Mr. Neeraj Poswal, A.A.G., Haryana, accepts notice on behalf of respondents no. 1 to 5 and 8, with Mrs. Kanwal Walia, Advocate, appearing and accepting notice on behalf of respondents no. 6 and 7.

A copy of the application be emailed to both learned counsel by counsel for the petitioner today itself.

The application being one only seeking to place on record an order, it is allowed and the copy of the order passed by the learned Sessions

Judge, Karnal, is ordered to be taken on record as Annexure P-5 with the petition, with no comment made thereupon by this court.

Respondents no. 6 and 7 have also filed CRM-W-956-2021, seeking that the order passed by this court on 22.07.2021 be recalled, as it is based on a fraud played by the petitioner to evade the process of law and to “get an indirect anticipatory bail”.

Learned counsel for the applicants submits that in fact the petitioner never got married to the girl, with the girl in fact not even having been in Karnal or at the '*Mandir*' where she has alleged to have married the petitioner on 11.06.2020, she having gone to attend the birthday celebrations of her cousin, i.e. her maternal uncles' son, at Village Beer Amin, District Kurukshetra, on 10.06.2020, from where she returned on 12.06.2020 (as contended), with even photographs taken of her being present at the birthday ceremony on the evening of 11.06.2020.

The said photographs are stated to be annexed as Annexure R-6/4 with the application.

Having considered the matter, as regards recalling the order dated 22.07.2021, I see absolutely no ground to do so, it simply being an order directing that the petitioner be given interim protection and that the statement of the girl that he is alleged to have married be recorded before the learned Area Magistrate, with the petitioner also having annexed with the petition some photographs (Annexure P-3), with it stated in the petition that the said photographs are of the marriage ceremony of the petitioner with the aforesaid girl.

Learned counsel for respondents no. 4 to 6 submits that the said photographs are morphed.

Absolutely no comment is made by this court on that contention raised today, the matter already being subject matter of investigation upon the FIR registered, and with the learned Sessions Judge already seized of that matter presently (as regards the bail application of the petitioner), and with the investigation agency continuing with its investigation.

Consequently, this only being a petition seeking protection of life and liberty of the petitioner, it is disposed of with a direction that the petitioners' life and liberty would continue to be protected as per law, with the investigation ongoing to be taken to its logical conclusion to determine as to whether or not the petitioner and the aforesaid girl got married at all or not; and thereafter, obviously if any party is aggrieved of the investigation, he/she would have his/her remedies as per law, available to him/her.

At this stage, learned counsel for respondents no. 4 to 6 argues very vehemently (and continuously) that the order of this court would prejudice the case of the said respondents.

It is made absolutely clear that this court has made absolutely no comment on the merits of the case, on either what has been contended by the petitioner as regards any marriage performed by him with the aforesaid girl, or as the regards the contention of respondents no. 4 to 6 and the girl (as per statement made before the learned Area Magistrate), that no such marriage was performed.

Obviously, the entire matter would be matter of investigation, including any morphed photographs and fake documents submitted by either

side, with the investigating agency to thereafter submit its report to the competent court at the relevant time.

September 08, 2021
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(AMOL RATTAN SINGH)
JUDGE