

Court No. - 39

Case :- WRIT - C No. - 21291 of 2021

Petitioner :- Chaman Aara

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Satya Dheer Singh Jadaun

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Deepak Verma,J.

In compliance of our order dated 31.08.2021, instructions have been furnished to learned Standing Counsel by the Senior Superintendent of Police, Prayagraj as well as Senior Superintendent of Police, Bareilly. Instructions received by him have been placed on record.

The Senior Superintendent of Police, Prayagraj has taken a stand that Prayagraj police is not involved in investigation of the case. It had only provided logistic support to the police party, which had come from Bareilly to Prayagraj in search of victim and accused. The Senior Superintendent of Police, Bareilly in Para 4 of the instructions has mentioned that on 14.08.2021, police party of District Bareilly went to a house at Muirabad. During course of investigation, it came across petitioner, who disclosed her identity as Advocate of accused persons. The investigator tried to elicit information from the petitioner in relation to accused persons but did not get any satisfactory reply and, thereafter, left the house of the petitioner. It is also mentioned that the police force did not misbehave with the petitioner.

Learned Standing Counsel on instructions states that the investigator sought information from the petitioner during course of investigation to find out the whereabouts of the victim and the accused. The petitioner is neither accused nor a suspect person.

Learned counsel for the petitioner submitted that the investigator had acted wholly malafidely in interrogating the petitioner knowing well that she is only lawyer of accused. He submitted that information available with the petitioner is confidential and immune from disclosure under Section 129 of the Indian Evidence Act, 1872. The investigator had exceeded his authority in subjecting the petitioner to interrogation and forcing her to divulge information regarding accused and victim. He further submitted that even after this Court had taken cognizance of the incident and passed order on 31.08.2021, the police party did not leave the house of the petitioner. He seeks

time to file supplementary affidavit to highlight the illegal acts and conduct of the investigating agency towards the petitioner.

As prayed, put up tomorrow as fresh.

In the meantime, the petitioner is free to file supplementary affidavit.

Having regard to the stand taken by the Senior Superintendent of Police, Bareilly in regard to the petitioner, it is hereby provided that the petitioner shall not be subjected to any kind of harassment in course of investigation of Case Crime No.172 of 2021, under sections 354, 366, 368, 506 I.P.C. & 3/5(1) Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020.

In the meantime, learned Standing Counsel shall obtain specific instructions from Senior Superintendent of Police, Bareilly as to whether phone of the petitioner has been kept on surveillance, as alleged, and, if so, under whose order and on what basis.

(Deepak Verma, J.) (Manoj Kumar Gupta, J.)

Order Date :- 1.9.2021
SKD