

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.

On oral mention made by Sri SD Singh Jadaun, learned counsel for the petitioner that the matter is extremely urgent, the file was sent for and thereafter the matter has been heard with consent of learned Standing Counsel.

The petitioner, who claims to be a practising advocate of this Court, has filed the instant petition praying for a direction to Senior Superintendent of Police, Prayagraj to protect her life and liberty and not to harass her under garb of investigation in pursuance of first information report dated 6.8.2021 registered as Case Crime No.0172 of 2021 under Sections 354, 366, 506 IPC and Section 3 and (5)(1) of The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020, Police Station Shahi District Bareilly.

The first information report of Case Crime No.0172 of 2021 has been brought on record as Annexure 3. The first informant is one Atmanand Rastogi The allegation is that his daughter was abducted by Vishal Kureshi and Khatibul Hasan Khan who are named as accused and the third accused is unknown person. The specific case of the petitioner is that she has no concern or connection with the victim girl. She had in the past, filed a writ petition on their behalf for being provided police protection as they were being subjected to harassment by the parents of the victim girl and police. The said petition was dismissed as

infructuous in view of the fact that by that time first information report came to be registered against the accused persons. It is submitted that apart from filing the said writ petition in her capacity as an advocate, she is in no manner connected with the incident nor is aware of whereabouts of the victim girl. However, the police is compelling the petitioner to produce the victim girl, failing which it is threatening to take coercive action against her.

In the above backdrop, the present writ petition has been filed.

Sri I.K. Chaturvedi, learned Senior counsel appearing on behalf of the petitioner vehemently submitted that the petitioner, who had represented the victim and accused boy in a petition filed before this Court for providing security to them, is entitled to benefit of Section 129 of the Indian Evidence Act. She cannot be compelled to be a witness or disclose the details of communication with her client. The police is visiting her house at odd hours and subjecting her to harassment.

Learned Standing Counsel is granted time to obtain instructions from respondent No.2 by tomorrow.

Put up as fresh tomorrow.

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

Order Date :- 31.8.2021

skv