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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-6460-2024



.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

.....RESPONDENTS

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

Mr. Jasjit Singh Rattu, DAG, Punjab.

Mr. Parteek Gupta, Advocate  
for respondent-CBI.

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1. In continuation to the order dated 10.07.2024, learned State counsel submits that the Senior Superintendent of Police, Fatehgarh Sahib has directed the Deputy Superintendent of Police, Sub-Division Bassi Pathana, District Fatehgarh Sahib i.e deponent for conducting a detailed inquiry and to submit a report before this Court.

2. Today, reply dated 08.08.2024 has been filed by Mr. Mohit Kumar Singla, PPS, DSP Sub Division Bassi Pathana, District Fatehgarh Sahib, which is taken on record. A perusal of the said reply would show that neither any progress has been made in the investigation nor any attempt has been made to consider the sensitivity involved in the present case. The only part of the investigation that has come up before this court is the recording of the statements of some villagers, a Maulvi/Quazi and statements of the

witnesses namely Amandeep Singh and Hardeep Singh, whose name along with their signatures have been mentioned in the marriage certificate wherein they have clearly stated that neither did they participate in the marriage nor have signed the marriage certificate. It thus appears that the investigation has not been done diligently and the material produced before this Court in the form of statements of villagers and Maulvi do not inspire confidence of this Court wherein investigation seems to have been done in a manner only to hush up the process.

3. Learned State counsel, when inquired into by this court as to explain the sincerity of the investigation conducted, submits that nothing offensive has been found in the solemnization of marriage and is rather not a case of illegal conversion. He further supports his submission by stating that Petitioner No.1 has not converted her religion which is evident from the marriage certificate Annexed as P-3, however, is only willfully practicing Muslim religion.

4. This court having regard to and being sanguine of the fact that the investigation conducted by the concerned police officials is deplorable as it has only touched the tip of an ice-berg wherein a much larger part needs to be discovered underneath and the State having failed to perform the necessary action, this Court, in the facts and circumstances involved, is constrained to seek assistance from CBI to look into the matter.

5. Since the marriage solemnized appears to be an eye wash as by no stretch of imagination, a Maulvi/Quazi under the Mohammedan law can be expected to perform NIKAH in an auto-rickshaw, without the presence of two witnesses coupled with the place of solemnization of marriage stated to be at Masjid, Nayagaon (SAS Nagar, Mohali) the petition raises a profound and

conspicuous suspicion in the mind of the court which needs to be debunked by conducting probe through an independent and Central agency i.e. CBI.

6. Mr. Prateek Gupta, Advocate who is present in the court is called upon to accept notice on behalf of CBI. He assures this Court that as per the directions of this Court, the CBI will conduct a thorough and fair inquiry into the matter particularly from the perspective as to whether any such attempt of coordinated and illegal conversion for the sake of marriage has been made and the motive behind the marriage of getting it solemnized in an auto-rickshaw without the presence of any witnesses and an attorney; and also whether the Maulvi/Quazi was competent enough to perform the marriage as per the desired customs and rituals of the Muslim religion, at such a 'place', and also to inquire into the credentials of the attorney namely Mohd. Bin Salem.

7. Mr. Gupta, learned counsel for CBI prays for two weeks time to look into the matter and apprise the court with specific queries put-forth to him.

8. Hearing is accordingly deferred to 29.08.2024.

**09.08.2024**

*Poonam Negi*

**(SANDEEP MOUDGIL)**  
**JUDGE**