

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

(222)

CRM-M-22231 of 2015

Decided on: August 14, 2015.

Raghuveer Singh and another

.... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Deepak Arora, Advocate, for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. S.S. Khaira, Advocate, for respondents No. 5 & 7 to 12.

M.M.S. BEDI, J (ORAL)

The petitioners seek protection of their life and liberty claiming that having attained majority they have married each other. In support of the petition, few photographs indicating that petitioners are sitting together in front of sacred fire have been placed on record.

On notice having been issued to the State, a reply had already been filed by Deputy Superintendent of Police, Pathankot informing that an FIR has been registered against petitioner No.1 under Section 365 IPC for kidnapping petitioner No.2, at the instance of her father. It has been disclosed in the reply that petitioner No.1 claims himself to be a 'Baba' and had been visiting the house of petitioner No.2. He had stated that there is some extraneous soul in the body of their daughter which could be cured by him. Petitioner No.2 had been taken away by him after administering some stupifying material in the 'kheer' prepared by him as a 'prashad'. It has been mentioned in the reply that petitioner No.1 is married to one Raman as per the information gathered from the Sarpanch and other villagers. He has got

four children. Petitioner No.1 has married another woman namely Kalpana having one children aged 1-1/2 year out of the said relationship.

I have considered all the facts and circumstances of the case and I am of the opinion that petitioner No.1 is not entitled to any protection, he being an accused and indulged in immoral activities as per reply.

A Coordinate Bench of this Court had issued direction on 17.07.2015 to arrest petitioner No.1 and produce in the Court. The said order has not been complied with. However, an undertaking has been given on the instructions of ASI Hardeep Singh by Ms. Harpreet Kaur Athwal, DAG, Punjab that effective steps are being taken to arrest petitioner No.1.

In view of above said circumstances, I do not find any ground to issue any direction for protection of petitioner No.1. Any action can be taken against him as an accused on the basis of evidence being collected against him. It will be open to the investigating agency to incorporate any offence depending upon the evidence available against him.

So far as petitioner No.2 is concerned, she can be granted protection of her life and liberty being a citizen of India. It is ordered that she being an adult, she would be treated fairly taking into consideration her wishes and welfare being a female in accordance with law.

Disposed of.

A draft of Rs.25,000/- deposited by the petitioner No.1 in the name of petitioner No.2 will be handed over to her by the Registry in case an application is filed in that context without creating any estoppel or prejudice.

(M.M.S. BEDI)
JUDGE

August 14, 2015

harsha