

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

CRM-M-24965-2015

Date of decision: 11.08.2015

Surinder Kaur

... Petitioner

Vs.

State of Punjab and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

Mr. J.S. Dadwal, Advocate
for respondents No.4 to 7.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner, by way of instant petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeks directions to respondents No.1 to 3 to protect the life and liberty of the petitioner as well as her family members, at the hands of private respondents No.4 to 7.

Notice of motion was issued.

Learned counsel for the parties heard at considerable length.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that present petition deserves to be allowed. It is so said because primarily Ms. Manjinder Kaur, daughter of respondent No.4, who is present before this Court in compliance of the order dated 10.08.2015, has earlier approached this Court by way of CRM-M-19493-2015 along with her husband Mr. Saranpreet Singh, son of the present petitioner, seeking protection to their life and liberty, which was

granted to them by this Court vide order dated 09.06.2015 (Annexure P-5).

As per the pleaded case of the petitioner, Ms. Manjinder Kaur was forcibly taken away by her family members from the premises of this Court itself on 09.06.2015. Thereafter, she was produced before the learned Magistrate by the police for getting her statement recorded under Section 164 Cr.P.C. on 10.06.2015.

Learned counsel for the State has read the statement of Ms. Manjinder Kaur, suffered by her before the learned Magistrate on 10.06.2015 under Section 164 Cr.P.C. to the effect that she was in love with Mr. Saranpreet Singh, son of the present petitioner. She further stated that apprehending her marriage with some other person against her wishes by her family members, she went with Mr. Saranpreet Singh on her own sweet will and performed marriage with him. Thereafter, they approached this Court seeking protection to their life and liberty which was granted vide order dated 09.06.2015.

However, Ms. Manjinder Kaur has stated before this Court today that when she was brought to this Court by son of the petitioner, she was under pressure. She further stated that even at the time of recording her statement before the learned Magistrate under Section 164 Cr.P.C., she was under pressure. However, from the perusal of the record, particularly the orders dated 09.06.2015 passed by this Court as well as her statement suffered under Section 164 Cr.P.C., before the learned Magistrate, this Court is prima facie of the view that Ms. Manjinder Kaur has sought to take a complete somersault from her earlier stand taken before this Court as well as before the learned Magistrate, which does not appeal to reason.

Be that as it may, petitioner has not committed any wrong. Ms. Manjinder Kaur had performed the marriage with Mr. Saranpreet Singh, son of the petitioner, on her own sweet will. A bare perusal of the photographs placed

on record at Annexure P-3 would show that Ms. Manjinder Kaur was not at all under pressure from Mr. Saranpreet Singh. She has, as a matter of fact, performed the marriage with Mr. Saranpreet Singh, on her own sweet will. Thereafter, she approached this Court seeking protection, which was granted to her vide abovesaid order dated 09.06.2015. Still further, she appeared before the learned Magistrate and suffered her statement under Section 164 Cr.P.C.

A bare reading of her statement under Section 164 Cr.P.C. is a clincher in this regard. In this view of the matter, it can be safely concluded that she now seems under pressure from her family members. Interestingly, neither her mother nor her father has come with her. Her father is stated to be away to Dubai and her mother is stated to be at home. This also does not appeal to reason that in such a situation, none of the parents would be supporting their daughter.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of the parties, present petition is allowed. Commissioner of Police, Amritsar-respondent No.2 is directed to ensure that no harm is caused to the life and liberty of the petitioner as well as her family members, by respondents No.4 to 7 or by any other person at their instance.

With the abovesaid observations made and directions issued, present petition stands disposed of.

[RAMESHWAR SINGH MALIK]
JUDGE

11.08.2015
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