

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-6694-2015
Date of decision:13.03.2015

Pritam Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Ms.Ramandeep Pratap Kaur, Advocate for
Mr.G.K.Dulat, Advocate, for the petitioners.

Mr.Daljeet Singh Virk, AAG, Punjab.
Mr.Gautam Kaile, Advocate for
Mr.Rajiv Sharma, Advocate for U.T.Chandigarh.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners, by invoking inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure ('Cr.P.C.' for short), are seeking directions to respondents No. 2 and 3 for protection of their life and liberty at the hands of respondents No. 4 to 6.

In compliance of the order dated 2.3.2015 passed by this Court, petitioners as well as husband of petitioner No.1 namely Manpreet Singh are present before the Court. There seems to be a matrimonial discord between the parties.

On the oral request made by the learned counsel for the petitioners, Manpreet Singh son of Shri Gurnam Singh resident of Village Naushera, Post Office Pull Tibri, Tehsil & District Gurdaspur, is ordered to be impleaded as party-respondent No.8. Office is directed to carry out necessary correction in the memo of parties.

Notice to the newly added respondent.

Manpreet Singh (Respondent No.8), who is present along with his mother namely Sukhwinder Kaur wife of Shri Gurnak Singh (respondent No.5) in the Court, accepts notice.

It is pertinent to note here that initially Pritam Singh (petitioner No.1) and Manpreet Singh (respondent No.8) fell in love with each other and mutually performed their marriage, however, against the wishes of private respondents No. 4 to 6. Apprehending danger to their life and liberty, petitioner No.1 and her husband Manpreet Singh (respondent No.8) approached this Court by way of CRM-M-7565-2013 (Pritam Singh and another v. State of Punjab and others), which was disposed of by this Court vide order dated 7.3.2013 (Annexure P-1) and the same, reads as under:-

“Counsel is not present. Couple, however, is present.

The petitioners are seeking protection for their life and liberty as they have married against the wishes of their parents. The couple is present in the court.

The petition is disposed of with a direction to the Senior Superintendent of Police, Gurdaspur, to look into the complaint of the petitioners and in case he finds that there is any threat to their life and liberty, he will take appropriate action on the said complaint.

Senior Superintendent of Police, Gurdaspur would be at liberty to ask the petitioners to reimburse the cost of protection in case it is required to be provided to the petitioners.

The present order, however, shall not be deemed to be proof qua the factum/validity of their matrimonial alliance.”

Thereafter, when the marriage of petitioner No.1 and respondent No.8 was not being accepted by respondents No. 4 to 6, i.e. family members of the husband of petitioner No.1 and the parties were left to lead their life on their own, they went to Gujarat and stayed there together

for about two years, where respondent No.8 was stated to be serving in some private concern.

A son (petitioner No.2) was born to the couple, who is now aged about six months. It is alleged by petitioner No.1 that respondents No. 4 to 6 have been illegally pressurizing her husband Manpreet Singh (respondent No.8) to desert her. It is further pleaded that after coming from Gujarat because of undue pressure put by respondents No. 4 to 6, they stayed in some rented accommodation at Ludhiana. However, since respondents No. 4 to 6 were pressurizing respondent No.8, they thought it appropriate to go to Gujarat again and respondent No.8 booked the train tickets from Ludhiana to Surat on 14.2.2015 (Annexure P-2).

However, respondents No. 4 to 6 were chasing petitioners and husband of petitioner No.1. When they reached at Railway Station, Panipat, respondents No. 4 to 6 forcibly picked up the husband of petitioner No.1 from Railway Station, Panipat, as well as all the belongings of the petitioners including sim card. It is further alleged that respondents No. 4 to 6 threatened petitioner No.1 that she along with her husband and son would be killed if she tried to file a complaint against them or again think to live with Manpreet Singh. Respondents No. 4 to 6 took away Manpreet Singh forcibly leaving the petitioners on their own at Railway Station Panipat. Petitioner No.1 came back to Chandigarh and stayed in a Gurdwara Sahib in Sector-19-D, Chandigarh, along with her minor son as she was having no place to live and nothing to eat.

Vide order dated 2.3.2015, petitioners were directed to be put in a Nari Niketan, Chandigarh, directing U.T. Chandigarh through its Home Secretary to ensure the presence of the petitioners before this Court for

today. That is how, both the petitioners and respondent No.8 alongwith his mother are present before the Court.

CRWP No.298 of 2015 filed by petitioner No.1, seeking a writ in the nature of habeas corpus for release of alleged detainee Manpreet Singh son of Shri Gurnam Singh from the illegal custody of respondents No. 4 to 6, has been disposed of today by a separate order, after production of alleged detainee Manpreet Singh before this Court.

Keeping in view the totality of facts and circumstances of the case noticed hereinabove, particularly the glaring fact which is staring in the face that petitioners have been left as destitutes, this Court cannot become a silent spectator keeping its eyes shut. Petitioners cannot be left on the road. Human life is to be given due respect. Petitioners are also the citizens of this country. Manpreet Singh-respondent No.8 (husband of petitioner No.1), at the instance of his parents-respondents No. 4 and 5, wants to desert the petitioners, as if he is not responsible even for providing them basic facilities of shelter and food. He cannot be permitted to behave in this totally irresponsible manner. He cannot run away from his legal, social as well as moral responsibilities towards his wife and son of tender age. Under these circumstances, present one has been found to be a fit case for exercising the inherent jurisdiction under Section 438 Cr.P.C., at the hands of this Court.

In view of the above, Senior Superintendent of Police, Gurdaspur-respondent No.2 as well as Station House Officer, Police Station, Police Station Puran Shalla, District Gurdaspur-respondent No.3 are directed to ensure strict compliance of this order in favour of the petitioners and against respondents No. 4 to 6 as well as respondent No.8.

Respondents No. 2 and 3 shall ensure that no harm is caused to the life and liberty of the petitioners at the hands of respondents No. 4 to 6 and respondent No.8. It is made clear that to ensure meticulous compliance of this order, respondents No. 2 and 3 shall be at liberty to take suitable police action, if necessity arises, against respondents No. 4 to 6 and respondent No.8.

Deputy Commissioner, Gurdaspur, is directed to put the petitioners in a protection home at Gurdaspur and shall also ensure that petitioners get proper shelter and food till the appropriate accommodation is not provided to them by respondents Nos. 4 to 6 as well as respondent No.8. It is so said because petitioners cannot be left to die without shelter and food as they have been forced to lead the life of destitutes by respondents No. 4 to 6 as well as respondent No.8. Deputy Commissioner, Gurdaspur, shall also make a sincere effort to provide some job to petitioner No.1 against a suitable post including the post of Peon in District Red Cross Society, Gurdaspur, he being Chairman of the same. If no post of Class-IV is readily available in District Red Cross Society, Gurdaspur, let a supernumerary post be created, so as to accommodate petitioner No.1 namely Pritam Singh wife of Manpreet Singh, to enable her to live a meaningful life and to bring up her son. These directions are issued only because of the peculiar fact situation of the present case and will not be treated as a precedent for future.

District Legal Services Authority, Gurdaspur, through its Chairman/Secretary, is also directed to provide immediate free legal aid to the petitioners. Let the appropriate proceedings be initiated at the instance of the petitioners, against respondents No. 4 to 6 and respondent No.8 under

different statutes including the Code of Criminal Procedure, Hindu Marriage Act, 1955 and Protection of Women from Domestic Violence Act, 2005. District Legal Services Authority, Gurdaspur, through its Chairman/Secretary shall ensure that free legal aid provided to the petitioners is effective, by monitoring the proceedings to be initiated on behalf of the petitioners.

The learned court of competent jurisdiction shall also make an endeavour to pass appropriate orders, strictly in accordance with law, but without any undue delay so as to ensure that the petitioners get cheaper and speedy justice.

It goes without saying that so far as maintenance of petitioners is concerned, it is the duty and responsibility of Manpreet Singh son of Sh. Gurnam Singh to maintain the petitioners, he being husband of petitioner No.1 and father of petitioner No.2. Accordingly, he is directed to provide sufficient accommodation for the petitioners either at his residence or a rented accommodation. However, it is made clear that if Manpreet Singh (respondent No.8) is unable to find out a suitable rented accommodation for the petitioners, he would be at liberty to pay an amount of Rs.5,000/- per month to the petitioners to enable them to find out a suitable rented accommodation for themselves. As an interim measure, he is also directed to provide maintenance @Rs.3000/- per month to each of the petitioners, total being Rs.6,000/- per month.

With the above-said observations made and directions issued, instant petition stands disposed of.

13.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE