

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CRM-30131-2018 in/and
CRM-M-32774-2018 (O&M)

Date of Decision:05.09.2018

Gurdeep Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Harinder Sharma, Advocate,
for petitioner No.1.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

Mr. Rajesh K. Dadwal, Advocate,
for respondent No.5.

HARI PAL VERMA, J.(Oral)

CRM-30131-2018

Prayer in this application filed under Section 482 Cr.P.C. is for impleadment of Smt. Minkashi Devi @ Meena Devi being a necessary party as respondent No.5.

For the reasons stated in the application, same is allowed and Smt. Minkashi Devi @ Meena Devi is ordered to be impleaded as respondent No.5.

Amended memo of parties is permitted to be taken on record.

CRM-M-32774-2018

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of directions to respondent Nos.1 to 3 to provide protection to the life and liberty of the petitioners at the hands of private respondent No.4.

Vide order dated 01.08.2018 while approaching this Court, petitioners have stated that date of birth of petitioner No.1 is 25.02.1988, whereas date of birth of petitioner No.2-Priyanka Rani is 04.01.2000. Therefore, taking into consideration the age of petitioner No.2 as 04.01.2000, this Court had granted interim protection to the petitioners. However, at the same time, it was submitted by learned counsel for the petitioners that in order to create a sense of security in the mind of petitioner No.2, petitioner No.1-Gurdeep Singh is ready to deposit an amount of ₹3 lacs in an FDR in the name of petitioner No.2 within a week and the matter was adjourned to 14.08.2018.

On 14.08.2018, learned counsel for respondent No.5 had pointed out that date of birth of petitioner No.2 is 04.01.2002 and not 04.01.2000 as projected in the petition. In this manner, petitioners have concealed the correct date of birth of petitioner No.2. Accordingly, the case was adjourned to 29.08.2018.

On 29.08.2018, this Court has passed the following order:-

“Mr. Harinder Sharma, Advocate, has put in appearance on behalf of petitioner No.1-Gurdeep Singh and filed his vakalatnama, which is taken on record. At this stage, learned counsel wishes to withdraw the present petition.

Since the petitioners have not approached this Court with clean hands, withdrawal can be possible subject to payment of ₹1,50,000/- as costs.

Adjourned to 05.09.2018.

To be taken up at 2 o'clock.

Be shown in the urgent list.”

Initially, one Mr. Sartaj Singh, Advocate, had put in appearance on behalf of the petitioners but thereafter, at this stage, Mr. Harinder

Sharma, Advocate, has also put in appearance on behalf of petitioner No.1.

At this stage, learned counsel appearing on behalf of the petitioner No.1 prays for withdrawal of the present petition. This Court vide order dated 29.08.2018 had observed that since the petitioners have not approached this Court with clean hands, withdrawal of the present petition would be permitted subject to payment of ₹1,50,000/- as costs.

Pursuant to the order dated 29.08.2018, Mr. Harinder Sharma, Advocate, appearing on behalf of petitioner No.1 has reiterated his prayer for withdrawal of the present petition and stated that he is ready to pay the costs.

Since petitioner No.2-Priyanka Rani is a minor and could not have filed the present petition, this Court finds that the costs be paid to respondent No.5, who is mother of petitioner No.2-Priyanka Rani.

Accordingly, the cost of ₹1,50,000/- as imposed on petitioner No.1 has been paid to respondent No.5, who is present in Court. Respondent No.5 is further directed to deposit the said amount in the account of petitioner No.2-Priyanka Rani and prepare an FDR for a term of three years carrying maximum rate of interest with a nationalized Bank. A photocopy of FDR shall be produced in the Registry of this Court within a period of one month from today.

The said FDR shall not be released till the time petitioner No.2 attains the age of majority or an order for premature release is passed by this Court.

The present petition is dismissed as withdrawn.

September 05, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No