

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

CRWP No.555 of 2020

Date of Decision:-20.01.2020

Gagandeep Kaur and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Fateh Saini, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab assisted by
Mr. Magar Singh, Assistant Commissioner of Police, Jalandhar
Cantt.

Mr. Rajiv Sharma, Addl. P.P. for U.T. Chandigarh.

Mr. I.S. Saggu, Advocate
for respondents No.4 to 6.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed by Gagandeep Kaur (petitioner No.1), who is stated to be 26 years of age and Sukhjinder Singh (petitioner No.2), who is stated to be 29 years of age, under Article 226 of the Constitution of India, seeking protection to their life and liberty and also seeking a direction that the private respondents No.4 to 6 may not interfere in their peaceful life.

It is the case of the petitioners that they had decided to marry each other and on 15.1.2020 they had solemnized their marriage as per Sikh

Rites and Rituals in the Gurudwara Dashmesh Pita Patshahi 10th Village Nada, Singha Devi, Tehsil Kharar, District SAS Nagar, Mohali. The petitioners have also annexed their Marriage Certificate (Annexure P-3) alongwith the petition. Both the petitioners are major and according to them they have solemnized the marriage voluntarily and without any threat or coercion. It is a case where the private respondents, who are relatives of petitioner No.1, have been allegedly threatening them because they are not satisfied with their marriage.

On the last date of hearing, when the matter came up for hearing, it was informed by learned counsel for the parties that there had been incidents of beatings of the petitioner No.1 and therefore this Court took a serious note regarding the same and vide order dated 17.1.2020 issued notice of motion. Learned Assistant Advocate General, Punjab accepted the notice on behalf of State and Mr. I.S. Saggu, Advocate appeared on behalf of private respondents No.4 to 6, who are stated to be relatives of petitioner No.1-girl. The situation as it emerged at that point of time was whether petitioner No.1 was under pressure or coercion or threat while staying with her husband or not. Considering the totality of circumstances, this Court had directed that the statement of petitioner No.1 be recorded before the concerned Chief Judicial Magistrate, which is stated to be at Jalandhar and had directed the Senior Superintendent of Police, Chandigarh as well as the Commissioner of Police, Jalandhar to provide protection to both, the girl as well as the boy independently of each other. It was also directed that the Senior Superintendent of Police, Chandigarh would also depute two lady police officials in this regard and both the

Senior Superintendent of Police, Chandigarh and the Commissioner of Police, Jalandhar would co-ordinate with each other so that the statement of the girl may be recorded smoothly and without any pressure or threat or coercion.

Today, learned State counsel, representing the State of Punjab, on instructions from Mr. Magar Singh, ACP, Jalandhar Cantt, has stated that the statement of the girl has been recorded before the learned Chief Judicial Magistrate, Jalandhar on 17.1.2020, in which petitioner No.1 has stated that she had married petitioner No.2 voluntarily and without any undue pressure and had an affair with petitioner No.2, which ultimately culminated into marriage on 15.1.2020. Petitioner No.1 has further stated that she wants to live with her husband and her parents are pressurising not to live with her husband and one of the way out, which she has stated in her statement is that in case her parents agree for acceptance of their marriage with each other in a proper manner, then she may return to her parents but not without complying the conditions. She has specifically stated that she wishes to go alongwith her husband, who is petitioner No.2- Sukhjinder Singh. The statement made by petitioner No.1-Gagandeep Kaur before the Chief Judicial Magistrate is perused. Let it be made part of the record. Office to tag the same at appropriate place.

After having heard learned counsel for the parties and from the statement of petitioner No.1, it can be seen that she is major of aged 25/26 years and she has made a statement before the Chief Judicial Magistrate, Jalandhar, by saying that she wants to go alongwith her husband and therefore the argument raised by learned counsel for private respondents

that she cannot be compelled to go with her husband would not hold good. On pointedly asking from the learned counsel for respondents No.4 to 6, he, on instructions from respondents No.4 and 5, who are present in the Court, states that they would not cause any harm to the petitioners.

It is expected that the undertaking given to the Court should be honoured.

Be that as it may, in view of the totality of circumstances in this case and in view of the statement of petitioner No.1, given before the Chief Judicial Magistrate, Jalandhar, this petition is disposed of with a direction to the Commissioner of Police, Jalandhar that he would ensure the safety of life and liberty of the petitioners from time to time. It shall be the duty of respondents No.2 and 3 to assess the threat perception pertaining to the petitioners and grant appropriate protection from time to time as they may deem fit according to their own wisdom. Respondents No.2 and 3 may also record the statements of the parties as and when required in this regard.

In view of the fact that the girl is major and she has also given her statement before the Chief Judicial Magistrate, Jalandhar and in view of the directions, which have been issued above, no further proceedings are called for in the present case.

The present petition is disposed of accordingly.

January 20, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No