

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.3616-2020

Date of Decision: 10.6.2020

Manjot Kaur & another

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Munish Jolly, Advocate for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

1. Case is taken up for hearing today through video conferencing due to pandemic of COVID-19.

2. This is a joint petition seeking protection of the petitioners' life and liberty from the hands of respondents No.5 to 7 and for not harassing them on any false criminal complaint. They state that they have attained the age of majority and have married but the parents of petitioner No.1, i.e., Respondents No.5 to 7 oppose this union. Learned counsel for the petitioners submits that the main reason behind this is that it's an inter-caste marriage. Their marriage certificate and aadhaar cards are placed on record.

3. Notice of motion.

4. On the asking of the Court, Mr. Suveer Sheokhand, Addl. A.G.Punjab accepts notice on behalf of the State.

5. Heard.

6. That earlier also the petitioners had approached this Court by filing CRWP No.3060 of 2020 for protection of their life and liberty. That petition was disposed of by this Court on 13.5.2020 by directing the petitioners to approach the police authorities by filing a representation and that representation was to be examined by respondent No.2 and necessary steps thereafter to be taken in accordance with law.

7. On the other hand, learned State counsel states that an FIR No.102 dated 5.5.2020 has been registered against petitioner No.2-husband under Sections 363 & 366 IPC at P.S. Kotwali Patiala.

8. Pursuant to the registration of the aforesaid FIR, petitioner no.2 approached the Court of the learned Addl. Sessions Judge (Exclusive Court for Heinous Crimes against Women), Patiala for grant of anticipatory bail. Mrs. Manjot Kaur, Addl. District Judge dismissed the bail application vide her order dated 20.5.2020. While dismissing the bail application, observed as under:-

*“Despite opportunity having been granted to Manjot Kaur, the daughter of the complainant to **appear before her for making her** statement, she opted not to appear; no specific protection was given to Manjot Kaur and the bail applicant by the Hon'ble High Court and the fact that the complainant has specifically alleged that bail applicant has abducted his daughter, who since date has not been got recovered, custodial interrogation of the bail applicant*

is indeed called for. Accordingly, finding no merits in the present bail application same stands dismissed. File be consigned to the record room.”

9. I fail to understand how the Addl. Sessions Judge observed that no protection has been given to the petitioners, despite the fact that the petitioners have been given protection vide order dated 13.5.2020 whereas the Addl. Sessions Judge passed by the order dismissing anticipatory bail of petitioner no.2 on 20.5.2020. The bail application of petitioner no.2 has been dismissed on the ground that the girl did not appear before the court for recording her statement. I also fail to understand how the girl would appear to give statement before the Court when her life and liberty is at stake with threat and danger at the hands of her parents.

10. In view of the above, and without commenting on the FIR, this petition is disposed of with grant of ad interim protection to petitioner no.2 for 10 days to enable him to approach this Court for grant of anticipatory bail in the above FIR, which, if filed, shall be decided on its own merits in accordance with law. The official respondents are directed to ensure that no harm is meted out to the petitioners in the meantime.

(RAJIV NARAIN RAINA)
JUDGE

10.6.2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No