

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4543-2020
Date of Decision:23.09.2020

Jyoti and another

..... Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Aditya Pal Singla, Advocate for the petitioners.

Mr.A.S.Sandhu, Addl.AG, Punjab.

Mr.D.S.Sobti, Advocate for respondents No. 4 and 5.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Article 226 of the Constitution of India seeking issuance of directions to the official respondents to protect the life and liberty of the petitioners by voicing an apprehension and threat to the same at the hands of private respondents No.4 and 5.

As per averments made in the petition both the petitioners are majors and have entered into matrimony on 10.06.2020.

Case projected on behalf of the petitioners is that the matrimonial alliance entered into between the petitioners is not acceptable to the private respondents who are the parents of petitioner No.1.

On a previous date of hearing i.e. 26.08.2020 the following order was passed by this Court:-

“The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

Separate replies filed by learned State counsel as well as learned counsel for respondent Nos. 4 and 5, are taken on record.

Learned counsel for respondent Nos. 4 and 5 states that in fact daughter of respondent Nos. 4 and 5 i.e. petitioner No. 1 had given her laptop for repair to petitioner No. 2, who saw the objectionable pictures of petitioner No. 1 and forced her to marry him.

In the circumstances, it is ordered that the statement of petitioner No. 1 be recorded by District Women and Child Welfare Officer, Jalandhar. Respondent Nos. 4 and 5 i.e. parents of petitioner No. 1 be also afforded an opportunity to speak to her.

Post again on 23.09.2020.

Copy of the order be supplied to learned State counsel under the signature of Bench Secretary, for compliance.”

A short reply by way of affidavit dated 14.09.2020 of the Deputy Superintendent of Police, Sub Division Adampur, Jalandhar (Rural) along with Annexures R-1/T to R-3/T has been placed on record.

Annexure R-1/T is the statement of petitioner No.1 Jyoti which

has been recorded before the District Child Protection Officer, Jalandhar on 02.09.2020. The statement recorded is in the following terms:-

“ Stated that I am resident of above mentioned address. My marriage was solemnized with my consent on 10 June 2020 at Snatan Dharam Mahavir Mandir and Dharamshala Jalandhar Cantt as per Hindu rituals. That I solemnized with my consent and in my full consciousness. Because I am major and my date of birth is 30.11.1997, that I am giving you as a proof. I am living at my husband's house at Bolina Doaba without any pressure and enjoying my married life with my husband Janes Pal Bagga. I filed writ petition CRWP 4543 of 2020 in Hon'ble High Court. I have not been detained by my husband. My parents who have mentioned laptop repair and pictures of laptop in the Hon'ble High Court on 26.08.2020, that is absolutely wrong. I have given my laptop there, where my husband was not work and neither this kind of thing happened. I had relations with my husband for 2 years. Because of this I married him. I am major. I can marry as per my will and can live accordingly. I do not want to meet my parents. I got my statement recorded by dictating it, read it, it is right as per my dictation. I have signed in English after reading it.”

It may further be taken note of that respondents No. 4 and 5 herein had filed a habeas corpus petition seeking the release of their daughter namely Jyoti by contending that she is in the unlawful confinement of petitioner No.2 herein. Such habeas corpus petition has since been

dismissed.

In view of the above, instant writ petition is disposed of in terms of granting liberty to the petitioners to approach respondent No.3 as regards their apprehension and threat to their life and liberty. In the eventuality of any such representation being filed, respondent No.3 would be obligated to look into the matter and to thereafter take steps as deemed fit and warranted in accordance with law.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.09.2020
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No