

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

-.-
CRWP-10663-2020 (O&M)
Date of decision : 21.12.2020.

Gurmeet Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kuldip Singh, Advocate for the petitioners.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

This is a criminal writ petition under Articles 226/227 of the Constitution of India for issuance of a writ/direction to the official respondents to protect the personal life and liberty of the petitioner and her friend namely, Ajay Kumar, who the petitioner is now residing with.

Learned counsel for the petitioner would contend that the petitioner is a major, her date of birth being 20.01.1999 as per copy of Aadhaar Card (Annexure P-1). It is the further contention of the counsel for the petitioner that the petitioner got married to respondent No.6 about 15 days ago and respondent No.6 did not treat her well and tortured her physically and mentally. It has further been alleged in the petition that five days ago respondent No.6 tried to murder the petitioner by pouring pesticide into her mouth. Learned counsel for the petitioner would further contend that a representation dated 15.12.2020 (Annexure P-2) has been sent to the Senior Superintendent of Police, Fazilka. However, no action has been taken. Learned counsel has further stated that at this stage he

would be satisfied if the representation of the petitioner is decided expeditiously.

Notice of motion.

On the asking of the Court, Mr. V.G.Jauhar, Sr. DAG, Punjab has joined the session through video conferencing and accepts notice on behalf of respondent Nos.1 to 3. Since the matter is not being decided on merits, the service on the other respondents is dispensed with.

The petitioner, who is a major, has approached this Court for protection of her life and liberty as envisaged under Article 21 of the Constitution of India. The petitioner is stated to have run away from her matrimonial home and the allegation is that her husband tried to murder her by pouring pesticide into her mouth. In the petition, protection has also been sought for a friend of the petitioner namely, Ajay Kumar. However, the said Ajay Kumar is not a party to the present petition and hence no orders can be passed qua Ajay Kumar.

Article 21 of the Constitution of India lays down that no person shall be deprived of his or her personal liberty except in accordance with law. Keeping the Constitutional provisions in mind what needs to be seen at this stage is that the petitioner apprehends danger to her life and liberty at the hands of respondent Nos.4 to 7 and the same needs to be addressed by this Court.

In view of the above, the present petition is disposed off with a direction to the Senior Superintendent of Police, Fazilka (respondent No.2) to decide the representation dated 15.12.2020

(Annexure P-2) in accordance with law and after hearing all parties concerned.

It is, however, made clear that any observations made above shall neither be treated as a stamp of this Court qua the relationship between the petitioner and her friend namely, Ajay Kumar, nor as an opinion on the contentions raised in the present petition and also shall have no effect on any other civil or criminal proceedings, if any, instituted/pending against them.

Disposed off accordingly.

December 21, 2020

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NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No

(ALKA SARIN)
JUDGE