

(through video conferencing)

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

CRWP-777-2021

Date of decision: February 02, 2021

Harpreet Kaur

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for releasing the detenue Jashandeep Kaur, daughter of the petitioner, who is stated to be in illegal custody of respondent No.4-Takdeer Singh and respondent No.5-Kala Singh.

On 25.1.2021, notice was issued to SHO, Police Station Rama Mandi, Bathinda, Punjab to produce the detenue Jashandeep Kaur through video conferencing on the next date of hearing.

Today, the lawyers are on strike and have opted not to appear.

The SHO, Police Station, Rama Mandi, Bathinda has sent an order dated 6.1.2021 passed in Criminal Writ Petition No.53 of 2021 vide which the detenue Jashandeep Kaur and respondent No.4-Takdeer Singh approached this Court on the basis of their marriage and have been granted the protection by this Court on 6.1.2021. The order dated 6.1.2021 passed in CRWP-53-2021 reads as under :-

“Both the petitioners are present in person through Video Conferencing and identified by their counsel. They seek

protection of their life and liberty by contending that they have married each other against the wishes of their respective family members respondent Nos.4 to 6, and so seek appropriate protection from the authorities. They submitted a representation (Annexure P-4) in this regard to the Senior Superintendent of Police, Sri Muktsar Sahib, District Sri Muktsar Sahib, and the Station House Officer, P.S. Sadar, Sri Muktsar Sahib, District Sri Muktsar Sahib, on 21.12.2020, but are still apprehensive about their security in view of the apparent inaction and alleged clout of their family members-respondents.

2. Both of them have married each other in support of which, marriage photographs (Annexure P-3) have been placed on record.

3. For the aforesaid reasons, this appears to be a fit case for this Court to invoke the inherent powers under Section 482 of the Cr.P.C. and in view of the mandate contained in Article 21 of the Constitution of India to protect the citizen's right to life and liberty.

4. Thus the Senior Superintendent of Police, Sri Muktsar Sahib, District Sri Muktsar Sahib, is directed to consider the representation dated 21.12.2020 (Annexure P-4) and take appropriate steps to ensure that no harm is caused to the life and liberty of the petitioners.

5. It is nevertheless clarified that this order is issued only on the premise that petitioner No.1 (bride) has crossed the age of majority as seen from the documents placed on record being her Aadhar Card. The petitioners have not produced on record a copy of their marriage certificate. However, they have appended affidavits in support of their marriage and photographs (Annexure P-3). This would not *ipso facto* amount to granting any seal of

approval on the legality of their marriage which essentially would come in the domain of the concerned Matrimonial Courts. Further, they would not be entitled for any protection against their arrest or continuance of any criminal proceedings, if otherwise, found to be involved in commission of any cognizable offence(s).

6. The petition is disposed off with the above direction.”

A perusal of the memo of parties of Criminal Writ Petition No.53 of 2021 shows that petitioner Harpreet Kaur was arrayed as respondent No.5. However, since the petition was disposed of on the very first date, the petitioner has a remedy to file an application in the aforesaid writ petition, either for recalling of the said order or for directing respondent No.4, who is petitioner No.2 in the said petition, to arrange a meeting with the present petitioner (respondent No.5 in the said petition). Even as per the report dated 2.2.2021 submitted by the SHO, it is stated that in view of the order dated 6.1.2021, the detenue could not be found on the given address and she is residing in the jurisdiction of District Sri Muktsar Sahib.

Accordingly, the present petition is disposed of by granting liberty to the petitioner to move an appropriate application in the aforesaid Criminal Writ Petition No.53 of 2021.

February 02, 2021
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No