

CRWP-5426-2021

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

CRWP-5426-2021 (O & M)

Date of decision:15.07.2021

Ranjna and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rajesh Tushar, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Devinder Singh, Advocate,
for respondents No.4 and 5.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution for issuance of directions to respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4 and 5.

It is the case of the petitioners that on 10.06.2021, they solemnized the marriage with each other out of free will, pressure and undue influence from any quarter, and it is their first marriage. However, there has been a regular threat to the life and liberty of the petitioners at the hands of the private respondents. The petitioners have moved a representation dated 10.06.2021 (Annexure P-5) to respondent No.2-Senior

CRWP-5426-2021

Superintendent of Police, SAS Nagar, Mohali, for redressal of their grievance, but the same has yielded no result.

A Coordinate Bench of this Court, on 16.06.2021, issued notice of motion. A relevant extract of the said order dated 16.06.2021 would read as under:

“Learned counsel submits that the petitioners have solemnized their marriage against the wishes of private respondents. It has been submitted that since they are being extended continuous threats by the private respondents, they have moved a representation dated 10.06.2021 (Annexure P-5) to respondent No.2-Sr. Superintendent of Police, SAS Nagar Mohali, through courier, however no steps have been taken by the authorities concerned.

Mr. Devinder Singh, Advocate, has put in appearance on behalf of private respondents and submits that in fact petitioner No.1 is a person of unsound mind and has been wrongfully confined by petitioner No.2. It has also been submitted that an FIR No.0208 dated 11.06.2021 under Section 346 IPC at P.S. Naraingarh, District Amabala was registered soon after their daughter i.e., petitioner No.1 went missing.

Notice of motion.

On the asking of the Court, Mr. Luvinder Sofat, AAG Punjab accepts notice on behalf of the respondent-State.

Learned State counsel shall file a detailed reply with respect to the threat perception as alleged by the learned counsel for the petitioners as well as the allegations levelled by the learned counsel for the private respondents on or before the next date of hearing.

It is made clear that in case the averments made by the learned counsel for the petitioners qua the threat perception are found to be genuine and real, the authorities concerned shall ensure that they are provided interim protection, till the next date of hearing.

Adjourned to 21.06.2021.”

However on 21.06.2021, learned State counsel, on instructions from SI Narinder Kumar, submitted that respondent No.3-SHO verified that

CRWP-5426-2021

petitioner No.1 is of sound mind. He sought time to file the reply.

In pursuance thereof, reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Derabassi, SAS Nagar, has been filed through e-mail. Print-out of the same is taken on record.

Para No.5 of the said reply would reveal that petitioner No.1 is not suffering from such disease or illness that may incapacitate her mentally.

Without entering upon an exercise to evaluate the evidentiary value of the documents placed on the file, I dispose of the present petition with a direction to respondent No.2-Senior Superintendent of Police, SAS Nagar, Mohali, to decide the representation dated 10.06.2021 (Annexure P-5) moved by the petitioners, and grant protection to them, if any threat to their life and liberty is perceived. It is made clear that this order shall not be taken to protect the petitioners from legal action for violation of law, if any, committed by them.

15.07.2021
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No