

CRWP-5821-2021

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

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Date of Decision: 12.07.2021

Amandeep Kaur and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Surmeet S. Sandhu, Advocate,
for the petitioners.

Mr. H.S.Sitta, AAG, Punjab.

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 a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondents No.4.

On 25.06.2021, this Court passed the following order:

“Case is taken up for hearing through video conferencing.

This petition has been filed under Article 226 of the Constitution for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to protect the life and liberty of the petitioners at the hands of respondent No.4.

Learned counsel for the petitioners states that petitioner No.1 is residing with her friend, namely, Raj Kumar, petitioner No.2. It is further stated that respondent No.4-husband of petitioner No.1 ill-treated her for the last six years and residing on

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the rented accommodation. Two girls were born out of the wedlock of petitioner No.1 and respondent No.4, who are presently living with the brother of respondent No.4 as he is issueless.

Notice of motion.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A.G., Punjab, accepts notice on behalf of respondents-State.

Let respondent No.4 be served through SHO, Police Station, Sadar, Kapurthala-respondent No.3.

Adjourned to 12.07.2021.”

As per the office report, notice could not be issued to respondent No.4 for want of process fee.

However, learned State counsel submits that in compliance of the order dated 25.06.2021, respondent No.4 has been served through S.H.O., Police Station Sadar Kapurthala, but he has refused to appear before this Court and there is a DDR entry in this regard as well.

Learned counsel for the petitioners submits that both the petitioners are major and both of them being friends, are residing together. However, respondent No.4 is interfering in the life and liberty of the petitioners. Petitioner No.1 has already submitted a representation dated 14.06.2021 (Annexure P-2) to respondent No.2-Senior Superintendent of Police, Kapurthala, for redressal of her grievance, but no action has been taken thereupon.

Learned counsel for the petitioners further submits that the petitioners are living in a constant danger as they have every apprehension that the private respondent would catch them and carry out the threats and might go to the extent of even committing their murder. The petitioners are, therefore, running from pillar to posts for protection of their life and liberty.

In support of his contentions, learned counsel for the petitioners

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relies upon the judgment dated 24.06.2019 passed by a Coordinate Bench of this Court, in CWP-17069-2019 titled as 'Kawaljeet Kaur and others versus State of Punjab and others'.

I have heard the learned counsel for the parties.

Article 21 of the Constitution stipulates protection of life and liberty to every citizen and that no person shall be deprived of his life and personal liberty except according to procedure established by law.

It is the bounden duty of the State as per the Constitutional obligations cast upon it to protect the life and liberty of every citizen. The petitioners cannot be deprived of their fundamental right as envisaged in the Constitution, being citizens of India.

In view of the above discussion, I dispose of the present petition with a direction to respondent No.2-Senior Superintendent of Police, Kapurthala, to decide the representation dated 14.06.2021 (Annexure P-2), moved by petitioner No.1, in accordance with law and grant protection to the petitioners, 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.

12.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No