

CRWP-7512-2021

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

CRWP-7512-2021.
Date of Decision:-22.09.2021.

Gagneet Kaur and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Saurav Khurana, DAG, Punjab.

Mr. Ajaivir Singh, Advocate for respondent Nos.5 and 6.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a criminal writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus for seeking issuance of directions to the official respondents to protect the life and liberty of the petitioners.

On 11.08.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

The petitioners, claiming themselves to be aged about 18 years and 21 years respectively, have approached this Court

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seeking protection of their life and liberty on the averments that the petitioners, being major, performed marriage on 07.08.2021 at Pracheen Pashupati Nath Shiv Mandir (Regd.) M.D.C. Sector-6, Panchkula, as per Hindu rites and ceremonies against the wishes of respondents No.5 and 6 and the petitioners are apprehending threat to their life and liberty at their instance.

In support of the averments made in the petition, the petitioners have also enclosed photographs taken at the time of their marriage.

The petitioners, who are present through video conferencing, have on being questioned by the Court admitted having solemnized marriage and reiterated their prayer for protection as mentioned in the petition.

Notice of motion.

Respondents No.5 and 6 have appeared and accepted notice and disputed the factum of performance of marriage by petitioner No.1 with petitioner No.2 and have also stated that petitioner No.2 may be directed to deposit some amount in favour of petitioner No.1. However respondents 5 and 6 seek time to file reply.

Case is adjourned to 22.09.2021.

In order to secure welfare of petitioner No.1, petitioner No.2 is directed to deposit an amount of Rs.1,00,000/- in FDR in the name of petitioner No.1 in any Nationalised Bank as

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undertaken by him in the course of hearing and file copy of the same in the Registry before the date fixed.

In the meanwhile, respondent No.2- Commissioner of Police, Jalandhar is directed to look into the grievances of the petitioners as set out in the petition and also expressed in the representation (Annexure P-7) and take appropriate action for protection of their life and liberty as may be warranted by the facts and circumstances and submit action taken report in this regard in the Registry of this Court before the date of hearing fixed.

The Registry of this Court is directed to send a copy of this order along with copy of the petition and above-said representation to respondent No.2- Commissioner of Police, Jalandhar for requisite compliance.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, petitioner No.2 has got an FDR in the name of petitioner No.1 for an amount of Rs.1,00,000/- in Punjab and Sind Bank on 17.09.2021 in Account No.00981400049296 for a period of one year and has, thus, complied with the above-said order.

Learned State counsel has submitted that as per his instructions in writing, the petitioners have given a statement that there is no further apprehension to their life and liberty.

Learned counsel appearing for the parents-respondents No.5 and 6 has made a submission that the parents would like to meet petitioner No.1 (daughter).

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Keeping in view the above-said facts and circumstances, the present petition has been rendered infructuous and is disposed of as such.

However, liberty is granted to the petitioners to move a representation to respondent No.2-The Commissioner of Police, Jalandhar, in case they have any apprehension to their lives and liberty in future and respondent No.2 is directed to look into the matter and take appropriate action accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioners and it would be open to respondent No.2 to make his independent enquiry/assessment with regard to the representation, if any, moved by the petitioners with a limited aspect aforesaid.

It is, however, clarified that this order shall not debar the State from proceeding against the petitioners, if involved in any other case.

With respect to the request made by learned counsel for the parents-respondent Nos.5 and 6, it is hoped that time being a big healer, the entire matter would stand resolved as time progresses and the petitioners would eventually get the blessings of their parents.

(VIKAS BAHL)
JUDGE

September 22, 2021.

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Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No