

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-7795-2021

Date of decision : 05.10.2021

Aishpreet Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Armaan Gagneja, Advocate
for the petitioner.

Mr.Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a criminal writ petition filed under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. for directing the officials respondents no.2 & 3 to protect the lives and liberty of the petitioner.

On 18.08.2021, this Court had passed the following order:-

“In this Criminal Writ Petition, an unfortunate act by respondent Nos.4 and 5 has been highlighted by the petitioner inasmuch as it has been stated that the petitioner who is only 14 years of age has been forcibly and illegally married to respondent No.6 against her wishes, although, the petitioner wanted to continue with her studies.

Although, the maintainability of the present petition through one Lovepreet Singh is an debatable issue but since the protection of the petitioner who is stated to be 14 years girl is of paramount consideration

before this Court, this Court, thus, deems it appropriate to issue notice of motion in this case.

Notice of motion.

On advance notice, Mr. Saurav Khurana, DAG, Punjab appears and accepts notice on behalf of respondent Nos.1 to 3 and seeks time to file reply.

Adjourned to 05.10.2021.

In the meantime, respondent No.2 is directed to look into the representation dated 09.08.2021 (Annexure P-2) and take appropriate action in accordance with law.”

Learned State counsel has pointed out that in the present case, statement of respondent no.4 (father of Aishpreet Kaur) has been recorded. He has submitted that statement of petitioner has also been recorded. He has further submitted that no marriage has been performed of Aishpreet Kaur with anyone but only arrangement ceremonies have been performed. He has further submitted that an FIR has been registered against Lovepreet Singh for having taken Aishpreet Kaur with him.

Learned counsel for the petitioner in rebuttal has submitted that in fact the only concern of Lovepreet Singh, the person who has filed the present petition, is that petitioner Aishpreet Kaur's life should be protected and as per his version, said Aishpreet Kaur does not want to stay with her parents as she is apprehending danger to her life from her parents. It has further been submitted by learned counsel for the petitioner that he would produce said Aishpreet Kaur before the Senior Superintendent of Police, District Fazilka-respondent no.2 and would be satisfied if said respondent no.2 after interacting with petitioner Aishpreet Kaur, takes a final decision in the matter as to whether Aishpreet Kaur is to be sent to protection home

Keeping in view the facts and circumstances, the present petition is disposed of with a direction to Lovepreet Singh or any of his family members or any of his acquaintance to produce Aishpreet Kaur before the Senior Superintendent of Police, District Fazilka, Punjab-respondent no.2 within a period of two weeks from today. Respondent no.2 is directed to interact personally with said Aishpreet Kaur and after personally interacting with her, to see as to whether sending her to protection home / Nari Niketan is in the best interest of said Aishpreet Kaur or sending her to her parents is in her best interest. Respondent no.2 would also take into consideration as to whether there is any apprehension to the life and liberty of said Aishpreet Kaur at the hands of her parents.

(VIKAS BAHL)
JUDGE

October 05, 2021
Davinder Kumar

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