

LPA-769-2021 (O&M)

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

(PROCEEDINGS THROUGH VIDEO CONFERENCING)

LPA-769-2021 (O&M)

Date of Decision: 03.09.2021

Ishrat Bano & another

...Appellants

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Mandeep Kumar Dhot, Advocate,  
for appellant No.1.

Mr. Sukhbir Maandi, Advocate  
for appellant No.2.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Sunny Singla, Advocate  
for the private respondents.

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**AUGUSTINE GEORGE MASIH, J. (ORAL)**

The present appeal has been preferred against the order dated 01.09.2021 passed by the learned Single Judge in Criminal Writ Petition No.7903 of 2021, titled as 'Ishrat Bano & another Vs. State of Punjab & others', which was preferred by the appellants seeking protection to their life and liberty, which they said was threatened at the hands of respondents No.5 to 9. Highlighting this aspect, appellants had submitted a representation to the Senior Superintendent of Police, Maler Kotla, dated 17.08.2021 (AnnexureP-5) with copies thereof to the Station House Officer, Police Station City-1, Maler Kotla and Station House Officer, Police Station

Amargarh, Maler Kotla, respondents No.2 to 4. Counsel for the appellants states that the only prayer of the appellants before this Court is that their life and liberty may be protected and they have nothing to say with regard to the aspect of criminal case(s) registered against them, for which the law will take its own course and the appellants would avail of the remedy accordingly. He, therefore, asserts that the appeal may be allowed to the limited extent, as prayed for.

On the other hand, learned counsel for private respondents No.5 to 9, Mr. Sunny Singla, Advocate, has tried to project and argue with regard to the legality of the divorce as well as the subsequent marriage but keeping in view the fact that the said aspect has not been considered by the learned Single Judge nor are we inclined to look on this aspect and are limiting it to the prayer which has been made by the counsel for the appellants by leaving it open to the parties to agitate the said aspect in the proper forum. It is made clear that we have not opined about the validity or otherwise either on the alleged divorce given by appellant No.2 to one Alia Hasan or the alleged marriage between the appellants.

The aspect which we are considering and dealing with is with regard to the threat to the life and liberty to the appellants as has been asserted by them. No doubt, in case a criminal case is registered against any of the parties, the law should take its own course, however, the life and liberty of any person who has approached the Court with such a grievance need to be taken care of and the protection be provided as permissible in law. No person can be permitted or allowed to take law in his hands and therefore, keeping in view the said aspect, we dispose of the present appeal

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by observing that the Senior Superintendent of Police, Maler Kotla, shall take into consideration the representation dated 17.08.2021 (Annexure P-5) submitted by the appellants and if some substance is found therein, take appropriate steps in accordance with law to ensure that the life and liberty is not jeopardized of the appellants at the hands of the private respondents. This direction shall not be construed in any manner to restrain the official respondents to proceed against the appellants in case there is some criminal case registered against them. The law shall take its own course and it shall be open to the authorities/investigating agency to proceed against the appellants, if required in law and in accordance thereto.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**(ASHOK KUMAR VERMA)**  
**JUDGE**

**03.09.2021**

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|-----------------------------------|---------------|
| <b>Whether speaking/reasoned:</b> | <b>Yes/No</b> |
| <b>Whether Reportable:</b>        | <b>Yes/No</b> |