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

1. **CRWP No.9953 of 2020**
Date of Decision: 06.01.2021

KIRANDEEP KAUR AND ANOTHER
.....Petitioners

Vs
STATE OF PUNJAB AND OTHERS
.....Respondents

2. **CRWP No.9390 of 2020**

MALKIAT SINGH
.....Petitioners

Vs
STATE OF PUNJAB AND OTHERS
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. B.S. Bhalla, Advocate
for the petitioners in CRWP No.9953 of 2020.

Mr. A.P. Singh, Advocate
for the petitioner in CRWP No.9390 of 2020.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through
video conferencing.

Vide this common order, CRWP Nos.9953 and 9390 of
2020 are being decided. The facts are being taken from CRWP
No.9953 of 2020.

Petitioners have preferred the aforesaid petitions under Article 226 of the Constitution of India for the issuance of an appropriate direction in the nature of mandamus directing respondent No.3 not to harass, humiliate and interfere into the matrimonial life of the petitioners. They also sought further directions to respondent No.2 to protect their lives and personal liberties from being invaded by the private respondents No.4 and 5.

In CRWP No.9953 of 2020, notice of motion was issued on 01.12.2020 by passing the following order:-

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

This petition has been filed by the petitioners for protection of their lives and liberties as they have solemnized marriage on 10.11.2020 according to marriage certificate issued by Arya Samaj, Sector-H (Harsh Vihar Purnia), Aliganj, Lucknow. Learned counsel for the petitioners submits that father of petitioner No.1 i.e. respondent No.4 is a serving ASI in Punjab Police. The present petition was filed on 26.11.2020 and an FIR has been registered on 28.11.2020 against the family members of petitioner No.2 for the offence under Section 346 IPC. Petitioners are major and they have solemnized the stated marriage according to their sweet will. Petitioners feel reasonable apprehension that in case they enter the territorial jurisdiction of CIA Moga, where respondent No.4 is posted, they may be apprehended.

Notice of motion.

On the asking of the Court, Mr.Amar Ashok Pathak, Addl..A.G., Punjab accepts notice on behalf of State and states

that earlier to the present petition, respondent No.4 also filed a Criminal Writ Petition i.e.Habeas Corpus in the High Court and a raid was conducted at Kot Isse Khan and Dharamkot, but petitioner No.1 could not be located on the given addresses.

Keeping in view the nature of allegations made, I deem it appropriate to direct that the petitioners be admitted to protection home at Jalandhar. Statement of petitioner No.1 be recorded under Section 164 Cr.P.C. by the concerned police station at Jalandhar and be placed before this Court on the adjourned date.

List again on 06.01.2021.”

In compliance of the aforesaid order, statement of petitioner No.1 Kirandeep Kaur D/o Sh. Malkiat Singh (respondent No.4) has been recorded before the Judicial Magistrate Ist Class, Jalandhar on 03.12.2020.

The statement under Section 164 Cr.P.C. has been opened in the Court and after perusal of the same it has been again sealed.

In view of material on record, it would be appropriate to direct respondent No.2 to ensure safety of the petitioners in accordance with law.

Criminal Writ Petition No.9390 of 2020 has been filed by father of petitioner No.1 in the nature of habeas corpus for the release of petitioner No.1 from private respondents including petitioner No.2. Since the custody of petitioner No.1 as per statement under Section 164 Cr.P.C. is not illegal, therefore, no

order is required to be passed in the aforesaid petition i.e.
CRWP No.9390 of 2020.

In view of aforesaid, both the petitions stand disposed
of.

January 06, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No