

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-10247-2021(O&M)
Date of decision : 02.11.2021

Veerpal Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rahul Dev Singh, Advocate
for the petitioners.

Mr.N.K.Banka, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

CRM-W-1354-2021

This is an application under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for pre-poning the date of hearing from 14.12.2021 to some early actual date of hearing.

Learned counsel for the petitioner has submitted that in the present case, when the matter was taken up on 28.10.2021, it was adjourned to 14.12.2021 as there was some technical problem in the video conferencing. It is submitted that in the present case, the petitioners are apprehending danger to their life and liberty and threat perception from the private respondents including respondent no.7, who is working in Civil Secretariat. It is also submitted that notice has not been issued in the present case.

Keeping in view the abovesaid facts and circumstances, the present application is allowed and the case is pre-poned from 14.12.2021 to

today, i.e. 03.11.2021, and the main case is taken up on Board for hearing today itself.

CRWP-10247-2021

This is the criminal writ petition under Article 226 of the Constitution of India for issuance of an appropriate order or direction especially in the nature of mandamus directing respondents no.2 and 3 to protect the life and liberty of the petitioners from the hands of respondents no.4 to 9.

Learned counsel for the petitioners has submitted that the petitioners have given a representation dated 15.10.2021 (Annexure P-2) to respondent no.2 in which it is stated that respondent no.4 was engaged to petitioner no.1 and their family members have learnt that on a large number of aspects, respondent no.4 had concealed material facts including the fact that respondent no.4 already has a wife in the U.K. and thus, the petitioner and his family backed out from the marriage. The said act of the petitioners annoyed the private respondents who are giving threats to the life of the petitioners. It is further submitted that prayer of the learned counsel for the petitioners is only with respect to the protection of life and liberty and the same be considered by respondent no.2-Senior Superintendent of Police, Moga, to the aforesaid limited extent by considering threat perception to the petitioners and taking appropriate action therefrom, in accordance with law.

Notice of motion.

On advance notice, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of respondent Nos.1 to 3 and on a specific query put by this Court, he has stated that he has no objection in case, respondent No.2-Senior Superintendent of Police, Moga, looks into the representation dated

15.10.2021 (Annexure P-2) with a limited prayer for only protection of life and liberty of the petitioners and takes appropriate action, in accordance with law.

After considering the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.2-Senior Superintendent of Police, Moga, to look into the representation dated 15.10.2021 (Annexure P-2) with a limited prayer for only protection of life and liberty of the petitioners and after making necessary enquiries, respondent No.2 shall take appropriate action in 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 with a limited prayer aforesaid.

In view of what has been observed above, the present Criminal Writ petition is disposed of in the abovesaid terms.

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

(VIKAS BAHL)
JUDGE

November 02, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No