

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

CRWP No.2738 of 2019 (O&M)

Date of Decision: 08.09.2021

Mandeep Kaur

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Gautam Diwan, Advocate for the petitioner.

Mr. Sarabjit Singh, AAG, Punjab for respondent Nos.1 to 3.

Mr. Harsh Kinra, Advocate for respondent Nos.5 & 6.

HARINDER SINGH SIDHU, J

The petitioner has filed the present petition seeking protection of her life and liberty at the hands of respondent Nos.4 & 6 (husband, mother-in-law and her father respectively) and restraining them from threatening her and taking law in their hands.

It is the case of the petitioner that her marriage was solemnized with respondent No.4 on 03.01.2012. From the wedlock, two children, namely, Bhavnur Singh (son) and Manmeet Kaur (daughter) were born on 08.10.2012 and 28.10.2017 respectively. It is stated that respondent No.4 (husband of the petitioner) is working in Italy and visits India once or twice in a year. The petitioner wanted to join her husband in Italy, however, he refused to take her along. It is alleged in the petition that respondent No.4 is having illicit relationship because of which he is not willing to reside with

the petitioner. Being aggrieved and helpless, the petitioner joined the company of Balwinder Singh, elder brother of her husband (Jeth), who has provided her accommodation and shelter. Presently, the petitioner is residing with one Manpreet Singh along with her minor children whereas her husband is stated to be in Italy presently.

Grievance of the petitioner is that she is receiving threats from her husband (respondent No.4), the details of which is mentioned in para 9 of the petition. It is alleged that respondent No.4 is threatening that he would kill the petitioner as also Manpreet Singh, when he visits India. In this regard, the petitioner has submitted a representation (P.1) to respondent Nos.2 & 3 but no action thereon has been taken thereon so far.

On 03.01.2020, this Court while issuing notice of motion had passed the following order:

“Notice of motion.

Ms. Bhavna Gupta, DAG, Punjab accepts notice.

Adjourned to 03.02.2020.

In the meantime, respondent Nos.2 & 3 shall look into the representation of the petitioner and provide necessary help, if so required, in view of the peculiar facts and circumstances.”

A reply by way of affidavit dated 07.09.2021 of A.S.P, Sub Division, Bholath has been filed stating that till date, the petitioner has not joined the inquiry with the respondents with respect to alleged threat perceptions. It is stated that though the answering respondent has not received any representation dated 26.12.2019 as alleged by petitioner however, petitioner filed one application dated 06.01.2020 through registered post on 06.01.2020 to SSP Kapurthala and SHO Police Station

Begowal praying for seeking protection. SHO, P.S Begowal got conducted

the inquiry into said application and during inquiry, mother-in-law of the petitioner disclosed that the petitioner along with her minor children had been kidnapped by Manpreet Singh on 26.12.2019 at about 11.30 p.m after being allured by him on the pretext of marriage and that thereafter petitioner did not return to her matrimonial home. She further stated that the petitioner was neither harassed by her nor her son. Reply further states that Harbhajan Kaur/mother-in-law of petitioner also got registered FIR No.05 dated 05.01.2020 under Sections 363/366 IPC at P.S Begowal, Kapurthala against Manpreet Singh.

Amandeep Kaur W/o Manpreet Singh was also joined in inquiry, who stated that she was earlier married to Bhupinder Singh in the year 2005. However her husband died in 2007. Later on, she got married with Manpreet Singh, who has now gone away with the petitioner on the pretext of marriage and since then Manpreet Singh has not returned to his home. It is stated in the reply that the petitioner filed a petition seeking quashing of FIR aforesaid got registered by her mother-in-law. She also gave an affidavit stating that she has not been enticed away by Manpreet Singh and that she had gone with him of her own.

Taking into account the facts of the present case, this petition is disposed of with the observation that the S.H.O of Police Station, Bholath may get statement of the petitioner recorded through video/electronic mode after contacting her on Mobile No.7717410620. It would also be open to the petitioner to approach the appropriate Authority as and when her husband visits India and if still perception of threat continues to exist.

At this stage, learned counsel for the petitioner points out that in case, it is not possible for the SHO concerned to contact the petitioner at

the aforesaid contact of the petitioner, he may intimate him at his mobile No.9888071888 so that he could provide alternative mobile number of the petitioner in order to get her statement recorded.

September 08, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No