

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-543-2022

Date of decision: 20.01.2022

Karan Singh & another

...Petitioner

Versus

State of Punjab & others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Sharma, Advocate
for the petitioner(s).

Mr. Harsimar Singhh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

Fearing for their lives and liberty at the hands of the private respondents, petitioner no.1 -Karan Singh, who is aged about 21 years and petitioner no.2 (name withheld) who is under 18 years of age, have come up before this Court seeking protection through the State, by invoking their fundamental rights of life guaranteed under Article 21 of the Constitution of India.

2. The apprehension of the petitioners is that parents of petitioner no.2 will forcibly marry her with an old aged person.

3. Notices served upon the official respondents through the State's counsel. Given the nature of the order, this Court proposes to pass, neither the response of official respondents is required nor exists any requirement to issue notices to the private respondents.

4. Since petitioner no.2 is minor, as such the investigator shall try to trace her and immediately produce her before a Judicial Magistrate/Duty Magistrate concerned, who shall interact with the minor and take a decision as to whether her statement under Section 164 CrPC is to be recorded or not. After that, the concerned Judicial Officer

shall interact with the minor and after that also take a decision as to whether respondent no.2 is to be sent back to her parents or she needs to be sent to Nari Niketan etc. Based on the order passed by the concerned Judicial Officer, the investigator shall comply with the same forthwith.

5. Learned counsel for the petitioners shall inform the petitioners to take the phone calls of the investigator and share their locations with the investigator, who shall keep the locations of the petitioners confidential.

6. If the allegations of apprehension of threat to their lives turn out to be true, it might lead to an irreversible loss. Thus, in the facts and circumstances peculiar to this case, it shall be appropriate that the concerned Superintendent of Police, SHO, or any officer to whom such powers have been delegated or have been authorized in this regard, provide appropriate protection to the petitioner No.1 for one week from today. However, if the petitioner no. 1 no longer requires the protection, then it may be discontinued even before the expiry of one week. After that, the concerned officers shall extend the protection on day-to-day analysis of the ground realities or upon the oral or written request of the petitioner no. 1.

7. This protection is subject to the stringent condition that from the time such protection is given, the petitioner no. 1 shall not go outside the boundaries of the place of his place residence, except for medical necessities, to buy household necessities, and bereavements in the families of the persons who are close to them. This restriction saves the petitioners from apprehended risk and ensures that the protection is not flaunted.

8. It is clarified that there is no adjudication on merits. It is also clarified that this order is not a blanket bail in any FIR. It is further clarified that this order shall not come in the way if the interrogation of the petitioners is required in any cognizable case. It shall also be open for the petitioner(s) to approach this Court again in case of any fresh threat perception.

Petition is allowed to the extent mentioned above. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

January 20, 2022
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No