

Isha and another

...Petitioners

Versus

State of UT Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Tushar, Advocate for the petitioners.

Mr. Ankur Bali, APP for UT Chandigarh.

ANOOP CHITKARA, J.

Fearing for their lives and liberty at the hands of the private respondents, the petitioners who claim to have married each other after attaining the permissible age for marrying, 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.

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

Learned counsel appearing for the respondent/UT Chandigarh submits that the police has recorded the statement of petitioner No.2-Gourav Sanawar and he does not have any threat from his family members. Be that as it may since the statement of petitioner No.1 has not been recorded regarding the same, it cannot be presumed that there is no threat perception to petitioner No.1.

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 longer require the protection, then at their request 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.

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This protection is subject to the stringent condition that from the time such protection is given, the petitioner shall not go outside the boundaries of the place of their residence, except for medical necessities, to buy household necessities, and for bereavements in the families of the persons who are close to them. This restriction saves the petitioner from apprehended risk and ensures that the protection is not flaunted.

It is clarified that there is no adjudication on merits and 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 petitioner 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.

There would be no need for a certified copy of this order, and any Advocate for the Petitioner and State can download this order and other particulars as may be required from the official web page of this Court and attest it to be a true copy. The concerned officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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

(ANOOP CHITKARA)
JUDGE

23.02.2022
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Whether speaking/reasoned: Yes
Whether reportable: **No.**