

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1500-2020 (O&M)
Date of Decision: 13.01.2022

Gagandeep kaur

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Sunil Kumar, Advocate, for respondent No.4

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India with a prayer for grant of protection to the life and liberty of the petitioner at the hands of respondent No.4.

The learned counsel for the petitioner has submitted that petitioner No.1 and respondent No.4 had earlier filed a joint petition bearing Criminal Writ Petition No.555 of 2020 wherein they have sought a protection from the parents of the petitioner- Gagandeep Kaur and the said case was disposed of by this Court. However, later on now in the present second round of litigation the petitioner-Gagandeep Kaur has filed the present petition seeking protection from Sukhjinder Singh (Respondent No.4). The only ground which has been

taken up by the petitioner was that respondent No.4- Sukhjinder Singh was not his husband and the marriage was performed under intoxication. The State had earlier taken up a stand that on inquiry it was found that there was no threat perception but the learned counsel for the petitioner had disputed the same and had stated that the petitioner was under threat from Sukhjinder Singh. However, this Court on 16.11.2021 had directed the Commissioner of Police, Jalandhar to depute a lady police official to produce the petitioner Gagandeep Kaur before the Illaqua Magistrate for getting her statement recorded as to where the petitioner wishes to stay i.e. either with respondent No.4- Sukhjinder Singh or her own parents.

A report has been received from the learned Magistrate in sealed cover. A perusal of the same would show that the Magistrate before recording her statement satisfied herself that the petitioner-Gagandeep Kaur was giving the statement voluntarily and without any threat or coercion. As per the statement recorded before the learned Magistrate on 22.11.2021 she has stated that at present she is residing with her parents and her family out of her free will and she does not want to reside with respondent No.4-Sukhjinder Singh. The report sent by the Magistrate is marked as Mark-X and is hereby taken on record. The Registry is directed to tag the same with an appropriate place.

The learned counsel for the petitioner has stated that in view of the statement made by the petitioner before the Magistrate, she wishes to stay at her parents' house but the threat from respondent No. 4 is still subsisting.

The learned State counsel has submitted that the earlier threat perception was ascertained and it could be seen that there was no threat to the petitioner. He submitted that earlier protection was granted to the petitioner but now it has been found that she does not require any security. However, this factual position has been disputed by learned counsel for the petitioner and has

stated that the petitioner does have threat from respondent No.4.

In view of the aforesaid factual position, the present petition is disposed of with a direction to respondent No.2 to again assess the threat perception of the petitioner and in case, there exists any threat especially from respondent No.4, then further appropriate measures be taken in this regard.

13.01.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No