

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.9537 of 2021 (O&M)

Date of Decision: 07.01.2022

Manisha and another

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Arjun Dhingra, Advocate, for the petitioners.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Mr. Tushar Gautam, Advocate, for respondent No.4.

Mr. Prashant Singh Chauhan, Advocate,
for respondents No. 5 to 7.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking directions to provide adequate protection to the petitioners who have married with each other and are living together happily.

Notice of motion was issued in the present case and the State of Haryana has filed the status report.

The learned Additional Advocate General, Haryana while referring to the status report has submitted that both the petitioners have married with each on their own consent and since there was a threat to their lives, they were admitted to the Protection House at Chandigarh on

01.10.2021 and on an inquiry being conducted the girl was also produced before the learned Magistrate and her statement under Section 164 Cr.P.C was also recorded wherein she stated that she had married with petitioner No.2 of her own free will and she is an adult. Para No. 4, 5 and 6 of the status report is reproduced as under:-

“4. That thereafter it transpired that the petitioners were staying in protection house at Chandigarh, on which an official communication was sent on 13.10.2021 by the office of the deponent to the SHO, P.S Sector-19, seeking verification of the input regarding the admission of the petitioners to the protection house. In response to the same, it was intimidated that the petitioners had been admitted to protection house on 01.10.2021 in terms of DD Entry No.45 dated 01.10.2021 of P.S Sector-3, Chandigarh. On this information, the deponent had visited the protection house and from there, the petitioner no.1 was joined in investigation. Her statement was recorded, where she contended that she had married petitioner no.2 on 19.07.2021 out of her own free will being an adult. She further stated that she was having faith in Islam religion and there was no pressure on her to convert to Islam religion. She refuted the allegations of theft and use of caste related words qua her. She further that she was not aware as to who were Taslim and Waris and she had come to Chandigarh out of her own free will and further that she had threat apprehension from her family members.

5. That she was produced before the Court of Ld. JMIC, Chandigarh on 14.10.2021 and her statement under Section 164 Cr.P.C was recorded by the Ld. Magistrate, in which she reiterated the contentions raised as raised by her before the investigating agency.

6. That consequent thereto, after having got recorded her

statement before the Ld. Magistrate, the deponent had handed over her custody to the In-charge protection house, Sector-19, Chandigarh”.

Mr. Tushar Gautam, Advocate has appeared on behalf of respondent No.4 who is the father of the boy-petitioner No.2 and has stated that he has no objection to the marriage of the petitioners and has not posed any threat to the petitioners.

Mr. Prashant Singh Chauhan, Advocate has appeared on behalf of the respondent Nos. 5 to 7 and has also filed a short reply. Mr. Chauhan on categorical instructions taken from respondent Nos. 5 to 7 has submitted that respondent Nos. 5 to 7 have not threatened the petitioners and in future also they will not threaten the petitioners and will not interfere in the matrimonial life of the petitioners.

I have heard the learned counsel for the parties.

In view of the aforesaid factual position wherein the petitioner No.1 is still in the Protection Home and the State of Haryana has taken up a stand that in case any security is required for them and the same shall be ensured in accordance with law coupled with the fact that all the private respondents have given a statement and on the basis of their statement, they will not pose any threat to the petitioners.

No further continuation is required in the present petition.

In view of the above, present petition stands disposed of.

07.01.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No