

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRWP-1982-2023
Decided on : 30.05.2023

Bindu and another
Versus
State of Haryana and others
... Petitioner(s)
... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Dinesh Maurya, Advocate
for the petitioner(s).
Mr. Pawan Kumar Jhanda, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. After hearing the present protection petition on 02.03.2023,
following order was passed:

“Present: Mr. Dinesh Maurya, Advocate
for the petitioner(s).

Present petiton is for seeking issuance of directions to respondents No.2 and 3 to protect the lives and liberty of the petitioners, and restraining respondent No.4 to not to harass and interfere in the married life of the petitioners.

Learned counsel for the petitioners submits that earlier petitoiner No.1 was staying in a live-in relationship with respondent No.4 –Parveen Kumar, and a child was born out of said relation. However, on coming to know of the fact that respondent No.4 is already a married person, having two children, she left his company on 06.09.2022. Now present marriage is the first marriage according to the Hindu Marriage Act.

Notice of motion for 12.04.2023

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court, accepts notice on behalf of respondents No.1 to 3 - State.

Let requisite copies of the complete paper book be supplied to learned State counsel, during course of the day.

Respondent No.4 be served through respondent No.3 – SHO, Police Statoin 8 Marla, Panipat, and respondent No.4 will remain present in-person in Court on the next date of hearing. ”

2. Keeping in mind the future interest of desserted wife and two
children, following order was passed on 12.04.2023:

“Present: Mr. M. K. Bhardwaj, Advocate for
Mr. Dinesh Maurya, Advocate for the petitioners.

Mr. Pawan Kumar Jhanda, AAG, Haryana.

Respondent No. 4 present in person.

Respondent No. 4 is present in the Court today, who seeks time to file an affidavit regarding as to what kind of financial security he can provide to his first wife and two children born out of the said wedlock and also for the child, who was born out of live-in relationship with petitioner No. 1-Bindu.

Adjourned to 30.05.2023. ”

3. Learned counsel refers to Paragraphs No. 4 & 6 of the status report and submits that statement of respondent No.4-Parveen Kumar has been recorded and reproduced in paragraph No.4. Paragraph No.4 & 6 are reproduced herebelow:

“4. That the enquiry about the apprehension to the life and liberty of the petitioners at the hands of the respondent No.4 has also been carried out by ASI Chander Pal No.26 from the respondent No.4 and on enquiry he has voluntarily recorded his statement on dated 15/03/2023 to the effect that "I do job as a private driver. From the year 2016, I and Bindu D/o Jodharam R/ Wadhawa Ram Colony, Panipat were living in a relationship with each other. In the year 2017, Bindu was blessed with a boy Khairat from my unison. On 06.09.2022, due to not getting our mutual views, I and Bindu had decided to live separately. We had exchanged affidavits to each other about to live separately. The affidavit in which Bindu had mentioned that our boy Khairat will remain with her and I can come whenever I want to meet the boy Khairat. After that Bindu left my house with my son Khairat. I used to go to Bindu to meet my son. On 15.12.2022 I went to Bindu to meet my son. Bindu had given the boy Khairat to me on her own free will and since then Khairat has been living with me. After that I have never met Bindu. I have come to know now that Bindu is married to Amandeep S/o Jora Singh R/o Moga Punjab. I have not threatened Bindu and Amandeep. I don't care about Bindu anymore. Bindu has filed an application as well as petition against me in the Hon'ble High Court of Punjab and Haryana Chandigarh without any basis. I will appear before the Hon'ble High Court of Punjab and Haryana at Chandigarh well in time in concern of a petition Cr. W.P. No. 1982 of 2023 filed by Bindu. Bindu has not resided at Gali No. 4 Bansi Colony near MRB Public School Jatal Road Police Station Model Town Panipat is not living after the date 06.09.2022 Bindu." His statement is enclosed with the Status Report as Annexure R-2 for the kind perusal of this Hon'ble Court.

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6. That thereafter ASI Chander Pal No.26 has also contacted from his mobile No.87085-00053 to the mobile No.8423785166 of the petitioner No. 1 Bindu but she has refused to appear before the police or to provide her address to join the enquiry at her stay address. Similarly the respondent No.2 was also contacted by ASI Chander Pal No.26 on his mobile No.78761-41614 who has stated that they are residing at Baddi Himachal Pradesh and replied that they will inform the Hon'ble Court themselves and the police may inform this Hon'ble Court whatever police want and further said that they will not appear and have also refused to inform their stay address. They were also contacted through social site WhatsApp but they refused to co-operate with the police in any manner. G.D. No.31 dated 17/03/2023 and G.D. No.12 dated 19/03/2023 recorded by ASI Chander Pal No.26 at P.S. Model Town Panipat are enclosed with the Status Report as Annexure R-4 and R-5 for the kind perusal of this Hon'ble Court.”

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4. Learned State counsel states that as per the statement of respondent No.4, after leaving of the house by petitioner No.1-Bindu, he used to go to her only to see his minor son-Khairat. After some time, custody of the minor son was handed over to him by petitioner No.1 and thereafter he stopped going to Bindu. He further states that having no concern with the petitioners neither he has threatened Bindu nor Amandeep.
5. Thus, counsel submits that as per police verification, the allegation of issuing threat at the instance of respondent No.4 is incorrect.
- From the reply given in Paragraph No.6 of the status report also, learned State counsel points out that both the petitioners have refused to come to the police or even to give their statements.
6. Counsel for the petitioners also states that as of now, there is no threat perception to the petitioners, therefore, he does not press the petition. Thus, he seeks withdrawal of the present petition.
7. Dismissed as withdrawn.

(SANJAY VASHISTH)
JUDGE

May 30, 2023
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No