

CRWP-4397-2023

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Decided on : 24.05.2023

Komal and another

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Amitoj Singh, Advocate for
Mr. P.S. Punia, Advocate
for the petitioner(s).

Mr. J.S. Arora, DAG, Punjab.

Mr. Talwinder Singh, Advocate
for respondent No.4.

SANJAY VASHISTH, J. (Oral)

1. After hearing counsel for the petitioners, on 12.05.2023,
following order was passed:-

“1. Present protection petition has been filed by petitioner No.1-Komal, aged 23 years and petitioner No.2-Davinder Singh, aged 29 years for seeking protection to their lives and liberty, which is at danger at the hands of respondents No.4 & 5.

2. Counsel for the petitioners submits that one FIR No.34 dated 03.05.2023 under Section 346 IPC has been registered at Police Station Daba, District Ludhiana against petitioner No.2 and he is ready to join investigation after moving an appropriate application for seeking bail.

3. Counsel for the petitioners further submits that petitioner No.2 has strong apprehension of being harmed by the parents and other family members of petitioner No. 1-Komal i.e. respondents No.4 & 5. Therefore, if life of petitioner(s) is secured in view of the order dated 03.09.2021 passed by Hon' ble Division Bench in LPA No. 769 of 2021 titled as Ishrat Bano & another Vs.

State of Punjab & others, either he will appear before the Court of Area Magistrate or Police or would move an appropriate application for seeking bail and will also join investigation proceedings within a week from today.

4. *Notice of motion for 23.05.2023.*

5. *On asking of Court, Mr. Anmol Singh Sandhu, AAG, Punjab, who is present in Court, accepts notice on behalf of respondents No.1 to 3(State).*

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

6. *Mr. Talwinder Singh, Advocate has also appeared for respondent No.4 and states that if the petitioner No.2 surrenders or joins the investigation as indicated today before this Court, there wouldn't be any serious objection to the respondents also in accepting the request made by him.*

7. *After hearing the counsel for the petitioners and counsel for respondent No.4, respondent No.2-Commissioner of Police, Ludhiana, is directed to ensure that petitioners) is not harmed physically by anybody, subject to the following of statement given by the petitioners today before this Court i.e. to surrender before the Police or Court of Area Magistrate and to move an appropriate application seeking bail within a week from today. Meanwhile, respondent No.2 is directed to ensure security of lives and liberty of petitioners."*

2. Today, counsel for the petitioners points out that in compliance to the undertaking given before this Court, and recorded in the order dated 12.05.2023, petitioner No.2 has appeared before the Court, and has been granted bail vide order dated 18.05.2023.

3. Counsel for the petitioners further submits that both the petitioners are well matured, and have performed their marriage on 02.05.2023, however, all the times said marriage is strictly opposed by private respondents No.4 & 5, who are father and cousin brother of petitioner No.1 – Komal. Thus, feeling apprehensive, one representation

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dated 02.05.2023 (P-5), has been addressed to the Commissioner of Police, Ludhiana (respondent No.2), for seeking protection to their lives and liberty, however, no heed is being paid by the official respondents to the said request.

4. In the circumstances, respondent No.2 – Commissioner of Police, Ludhiana, is directed to get examined the representation dated 02.05.2023 (P-5), which was sent through registered post on 02.05.2023, *qua* threat perception, and if there is any substance in it, take necessary steps, in accordance with law, to ensure that the lives and liberty of the petitioners is not jeopardized at the hands of the private respondents.

5. However, this direction will not validate the marriage said to have taken place between the parties and will have no effect on any civil or criminal action, which could be initiated in the matter in accordance with law.

6. With the aforementioned observations and directions, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 24, 2023

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*