

114 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6671-2023
Date of Decision: 07.07.2023

Ramandeep Kaur and another ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ranbir Singh Rawat, Advocate for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Pankaj Garg, Advocate for respondents No.4 to 6.

ANOOP CHITKARA, J.

Fearing for their lives and liberty at the hands of the private respondents, the petitioners 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.

2. Counsel for the petitioners submits that he would be confining his prayer to the extent of protection of life and liberty of the petitioner at this stage, reserving their right to take other legal remedies for remaining prayers including filing of fresh writ petition.

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

4. Counsel appearing for private respondents No.4 to 6 submits that they have a video recording in which petitioner No.2-Akashdeep Singh slapped petitioner No.1-Ramandeep Kaur publically and she is not safe with petitioner No.2.

5. 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 petitioners for one week from today. However, if the petitioners no longer requires 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 petitioners.

6. This protection is subject to the stringent condition that from the time such protection is given, the petitioners shall not go outside the boundaries of the place of residence, except for medical necessities, to buy household necessities, and for bereavements in the families of the close relatives or close friends. This restriction saves the petitioners from apprehended risk and ensures that the protection is not flaunted.

7. Learned counsel for the petitioners to direct the petitioners to attend the phone call(s) of the Investigator.

8. Given the statement of counsel for respondents No.4 to 6, the investigator shall produce petitioner No.1-Ramandeep Kaur to the nearest Judicial Magistrate **today i.e. 07.07.2023 at 3 PM. It shall be permissible for respondents No.4 to 6 to show the above said video to the concerned Judicial Magistrate.** The concerned Judicial Magistrate shall interact with her and since petitioner No.1 is a major, the concerned Magistrate will take a serious decision in the facts and circumstances. The identity of the place where petitioners are staying shall not be revealed to the private respondents. It is also clarified that in case, parents of petitioner No.1 wants to meet their daughter, they can come in the premises where the statement will be recorded and the concerned Magistrate shall allow them to meet her for half an hour subject to the condition that they shall not extort any threat to her.

9. 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 petitioners is required in any cognizable case. It shall also be open for the petitioners to approach this Court again in case of any fresh threat perception.

10. **This order shall eclipse after thirty days from today.**

11. Liberty reserved to the petitioners to file a fresh representation to the concerned Senior Superintendent of Police within fifteen days from today. If the petitioners file a representation within the above mentioned time period of fifteen days, then the same shall be decided by the concerned Senior Superintendent of Police within two months.

12. *There would be no need for a certified copy of this order, and any Advocate for the Petitioners and State can download this order and other relevant particulars 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 immediate use.*

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

(ANOOP CHITKARA)
JUDGE

07.07.2023
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Whether speaking/reasoned: Yes
Whether reportable: No.