

2023:PHHC:109156

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

CRM-M-39736-2023
Date of decision: 21.08.2023

Savinder Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anupam Bhardwaj, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioners seek issuance of directions to respondents No.1 to 4 to give 10 days' advance notice to the petitioners in terms of Section 160 Cr.P.C., in case they are required in complaint No.3770-PGD dated 24.07.2023 or in an FIR got registered by respondent No.5.

2. Learned counsel for the petitioners contends that respondent No.5 and Ravi Sher Singh-son of petitioners No.1 and 2 underwent marriage with each other on 08.04.2018 against the wishes of her parents; that thereafter, they approached this Court by way of CRM-M-15212-2018 seeking protection to their life and liberty at the hands of relatives of respondent No.5, and that a male child was born out of the said wedlock. It is further submitted that owing to some differences, the couple decided to part their ways and had filed petition under Section 13(B) of the Hindu Marriage Act, which was dismissed as withdrawn on 20.02.2023; that thereafter, son of petitioners No.1 and 2 left for New Zealand, and that now, respondent No.5 has moved a complaint against the petitioners. The petitioners apprehend their arrest in the above-noted complaint.

3. Notice of motion.

4. On the asking of this Court, Mr. C.L.Pawar, Addl. A. G. Punjab, accepts notice on behalf of respondents No.1 to 4.

5. At this stage, Mr. U.K.Agnihotri, Advocate, puts in appearance and files his power of attorney on behalf of respondent No.5, which is taken on record.

6. Learned State counsel submits that the petitioners were called in the police station; that after having appeared in the police station, the petitioners sought time to appear on the next date, and that thereafter, they did not appear in the police station. It is further submitted that no FIR has been registered against the petitioners till date.

7. Having heard learned counsel for the parties, but without expressing any opinion on the merits of the case, the present petition is disposed of with a direction to respondent No.3-Senior Superintendent of Police, Police District Batala, to ensure that in case, the petitioners are required to be associated with complaint No.3770-PGD dated 24.07.2023/ FIR got registered by respondent No.5, then a written 10 days' advance notice in terms of Section 160 Cr.P.C., be served upon them.

8. It is clarified that the aforesaid order is not to be treated to have conferred any kind of immunity upon the petitioners, in case it is found that they have committed any wrong.

21.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No