

109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.8421-2023
Date of decision: 25.08.2023

Chandan and another ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Gulati, Advocate
for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Anureet Singh Sidhu, Advocate
for respondents No.5 and 6.

ANOOP CHITKARA

Fearing for their lives and liberty at the hands of the private respondents, the petitioners who claim to have married after attaining the permissible age for marriage, against the wishes of the private respondents, have come up before this Court by invoking their fundamental rights of life guaranteed under Article 21 of the Constitution of India, seeking direction to the State to protect them.

2. Notices served upon the official respondents through the State's counsel. Given the nature of the order that this Court proposes to pass, neither the response of official respondents nor the issuance of notices to the private respondents is required.
3. Counsel appearing for private respondents No.5 & 6 submits that there is no threat to life of the petitioners from the hands of private respondents and in fact they want to meet their daughter-petitioner No.2.
4. 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 require 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.

5. 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. However, petitioner(s) shall be at liberty to shift the residence(s) and if the new place falls within the district, then the protection shall be extended to such place. This restriction saves the petitioners from apprehended risk and ensures that the protection is not flaunted.

6. 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 petitioner(s) to approach this Court again in case of any fresh threat perception.

7. Keeping in view the statement made by counsel for respondents No.5 & 6 and considering the natural love and affection of the parents, they are permitted to meet their daughter-Rajni (petitioner No.2) tomorrow i.e. 26.08.2023 from 11 am to 12 noon. Respondents No.5 and 6 who is mother and brother of petitioner No.2-Rajni, shall visit *Gurudwara Dukhniwaran Sahib*, Patiala, to meet their daughter for 30 minutes separately and 30 minutes in the presence of petitioner No.1 (if petitioner no.1 and respondents No.5 and 6 wants to meet each other). At the time of their visit, petitioner No.1 shall be respectful towards mother and brother of petitioner No.2 and shall behave in extremely respectful manner. He is further directed not to cause any humiliation. State to depute atleast two female police officials in civil attire, who shall remain present at the spot of meeting at relevant time. During their visit, respondents No. 5 & 6 shall not threat or induce or instigate petitioners. Counsel for respondents No. 5 & 6 may accompany them during such visit. Protection officer deputed for the protection of petitioners shall allow the meeting after due frisking and shall guard the meeting place till the end of meeting and also shall ensure protection of both the parties. It is also clarified that the respondents No.5 and 6 shall not carry any weapons.

8. **This order shall eclipse after fifteen days from today.**

9. *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

25.08.2023
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Whether speaking/reasoned:	Yes
Whether reportable:	No.