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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8736-2023(O&M)
Date of Decision: 06.10.2023

Neha

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Jagandeep Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

CRM-W-1391-2023

For the reasons mentioned in the application, the same is allowed and the amended Memorandum of Parties is taken on record, subject to all just exceptions.

CRWP-8736-2023

1. This present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in nature of mandamus directing the official respondents to protect the life and liberty of the petitioner and also to direct respondent Nos.2 & 3 not to register any FIR against the petitioner without summoning her.

2. Learned counsel for the petitioner after arguing for some time has submitted that although the prayer made in the present petition is very wide and vague because there is no mention of any police station or an FIR regarding which the petitioner is having any apprehension, but the petition was filed

because of the reason that the petitioner is more than 8 months pregnant lady and she is living in the State of Jammu & Kashmir and the police of Punjab is harassing the petitioner because the husband of the petitioner is involved in large number of cases under Section 420 IPC and is an accused in some cases but the petitioner is not involved in any other case and it is only because of virtue of the fact that she is the wife of accused, namely, Chetan Goyal, who is involved in large number of cases that she is being harassed and therefore, she may be protected especially in view of the fact that she is more than 8 months' pregnant. He also submitted that at present the petitioner apprehends that she will be harassed and falsely implicated in an FIR bearing No.153, dated 14.09.2023 registered at Police Station City Mansa, District Mansa, therefore, he confines the scope of the present petition only to the extent of the aforesaid FIR because there is no other description of any other offences or police station etc. mentioned in the petition and therefore, the relief may be granted to the petitioner only to the extent of the aforesaid FIR in which the petitioner is not an accused but the accused is her husband.

3. At this stage, Mr. Ramdeep Partap Singh, Sr. DAG, Punjab has submitted that in view of the statement made by the learned counsel for the petitioner that he has limited the scope of the present petition only to the extent of the aforesaid FIR and the fact that the petitioner is pregnant more than 8 months, in the aforesaid FIR in case any action is to be taken against the petitioner then it will be taken with due compliance of the guidelines and the directions issued by the Hon'ble Supreme Court in "*Arnesh Kumar Vs. State of Bihar*", (2014) 8 SCC 273. He further submitted that even otherwise also so

far as the aforesaid FIR is concerned, since the petitioner is more than 8 months pregnant, no such notice is to be issued to the petitioner for next three months.

4. In view of the aforesaid statement made by the learned State counsel, the present petition is disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

06.10.2023
Bhumika

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