

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-11858-2021(O&M)
Decided on : 10.04.2023

Simranpreet Kaur and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Mandeep K Dhot, Advocate for
Mr. K.S. Rathour, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab.

Mr.K.S. Brar, Advocate
for respondents No.4 to 7

SANJAY VASHISTH, J. (Oral)

Petitioner No.1-Simranpreet Kaur, aged 20 years and petitioner No.2-Bhupinderjit Singh, aged 21 years have filed instant petition for seeking protection to their lives and liberty which is at risk at the hands of respondents No.4 to 7. Petitioners have averred in the petition that they both were major and had performed marriage and marriage certificate dated 14.12.2021 and photographs in this regard have been annexed with the petition.

After hearing the counsel for the petitioners on 17.12.2021, following order was passed:

“The learned counsel for the petitioners has submitted that it is a case where the petitioners have got married with each other and both of them had already attained the permissible age of marriage and it was only last night that the private respondents who are relatives of petitioner No.1 had taken the petitioner No.1 at gun point to their own house. He further submitted that there is an immense threat not only to the life of petitioner No.2 but also to the petitioner No.1 at the hands of their relatives and parents.

Notice of motion.

Mr. Arun Kumar Kaundal, learned Deputy Advocate General, Punjab accepts notice on behalf of respondent Nos. 1 to 3 and Mr.

Karanjeet Singh Brar, Advocate has appeared on behalf of respondent No.5 and he stated that the petitioner No.1-girl is with her parents and that she has come voluntarily.

In view of the aforesaid disputed factual position wherein the safety and life of the petitioner No.1 is involved, it will be in the interest of justice to direct Senior Superintendent of Police, Kapurthala to immediately depute a senior lady police officer to enquire about the aforesaid position and to assess the threat perception of petitioner No.1 namely Simranpreet Kaur who is stated to be residing at the house of respondent No.5 and thereafter, in case so required, then appropriate security measures be taken to protect her life.

Adjourned to 06.01.2022."

Thereupon, short report on behalf of respondents No.1 to 3 was filed, which is available on record and counsel for the respondents No.4 to 7 has referred to Paragraph Nos.3 to 6 of the same which says as under:

"3. That in compliance of the order passed by this hon'ble Court the Id. Senior Superintendent of Police, Kapurthala deputed Ms. Amandeep Kaur, Deputy Superintendent of Police (Crime Against Women And Children) Kapurthala to record the statement of Simranpreet Kaur @, Simranjeetkaur, the Id. DSP recorded the statement on 23.12.2021 (the true translated copy of the same is reproduced herewith as ANNEXURE R1/T) and thereafter the Id. DSP submitted its report dated 24.12.2021 to the Senior Superintendent of Police, Kapurthala, the true translated copy of the same is reproduced herewith as ANNEXURE R2/T.

4. That after the said marriage and the present Writ petition, the circumstances took a strange turn and the petitioner no.1 Simranpreet Kaur @ Simranjeet Kaur had returned to her parental house and started to live with parents. The petitioner no. 2 Bhupinderjeet Singh being aggrieved from the present scenario has filed another Writ Petition bearing no. CRWP-472-2020 (Habeas Corpus) vide which he sought the release of petitioner no. 1 SimranpreetKaur @ Simranjeet Kaur from the clutches of her parents.

5. That during the period the warrant officer has recovered SimranpreetKaur @ Simranjeet Kaur and recorded her statement, vide which she stated that she has committed mistake by marrying petitioner no 2 and she is happy with her parents and she faces no threat from them as alleged in the earlier writ petition bearing no. CRWP-11858-2021.

6. That Hon'ble High Court disposed the said petition(CRWP 472 - 2022) vide order dated 18.04.2022 with the remarks:

"The present petition has been filed under Article 226 of the Constitution of India for issuance of a roving writ in the nature of Habeas Corpus to the official respondents for effecting the release of the detenue namely Simranjeet Kaur.

Reply has been filed on behalf of respondent Nos. 1 to 3 by the learned State counsel by way of an affidavit of Superintendent of Police, Sub-Division Sultanpur Lodhi, District Kapurthala and the same is taken on record.

As per para 4 of the reply on merits, the statement of the detenue namely, Simranjeet Kaur wife of the petitioner Bhupinderjit Singh has been recorded, in which she has stated that she wishes to live with her parents from whom she faces no threat

and she had made a mistake by marrying the petitioner.

In this view of the matter, no further orders are required to be passed by this Court.

Disposed of."

Hence, in the wake of above-mentioned, the threat perception had already finished, hence, the petition renders infructuous, So, accordingly the present writ petition may kindly be dismissed in the interest of justice."

Faced with the situation, counsel for the petitioners does not press the present petition.

Petition stands disposed of, being not pressed.

Pending application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 10, 2023

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*