

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRWP-10302-2022(O&M)
Decided on : 21.04.2023

Hardeep Kaur and another

. . . Petitioner(s)

Versus

State of Punjab and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vijay Kumar, Advocate
for the petitioner(s).

Mr. JS Arora, DAG, Punjab
(on instructions from ASI Sahib Singh Sandhu)

SANJAY VASHISTH, J. (Oral)

1. Today, status report dated 21.04.2023, by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police, Circle Patran, District Patiala, on behalf of the respondents No.1 to 3, has been filed by learned State counsel, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioners.

2. Order dated 10.04.2023, says as under:

“On 01.03.2023, following order was passed:-

“Petitioner No. 1 Hardeep Kaur, aged 17 years and petitioner No. 2- Gurpreet Singh, aged 30 years have approached this Court for issuance of direction to respondents No. 1 to 3 to provide protection of lives and liberty of the petitioners, which is at danger at the hands of respondents No. 4 to 8 as petitioners want to marry with each other, which is opposed seriously by family members of petitioner No. 1.

Short reply dated 28.02.2023 by way of affidavit of Gurdeep Singh, PPS, Deputy Superintendent of Police, Sub Division Patran, District Patiala has been filed by respondent-State on behalf of respondents No. 1 to 3. Same is taken on record. Registry is directed to tag the same at appropriate place. Relevant paragraphs No. 5 and 6 are reproduced here-in below:

“5). That regarding the above mentioned petition, the respondent No. 4&5 that the parents of petitioner No.1 has been recorded their statements before Police that they have no objection if their daughter solemnized marriage with her own choice. They recorded that the age of the girl is below 18 years and she is not able to understand anything properly .If she wants to marry with the boy of her own choice then she can

perform marriage ceremony when she will become major. We will never raise any objection regarding her marriage in future. That they respect the orders of Hon'ble Court.

6) That in view of the detailed facts mentioned above, it came to light that petitioner is of age around 17 years that her parents are ready with her decision to marry the boy of her own choice but they will marry when she will be of 18 years of age."

Counsel appearing on behalf of the petitioners submits that arguing counsel is down with fever, thus, he seeks short adjournment.

Adjourned to 13.03.2023.

To be shown in the urgent list."

On the next date of hearing i.e. on 13.03.2023, there was no representation on behalf of the petitioners. Accordingly, the case was adjourned for 10.04.2023.

Today again, counsel appearing for the petitioners makes a request for an adjournment, as the arguing counsel Mr. Vijay Kumar, Advocate, is not available.

It is noticed by the Court that petition was instituted in October, 2022, and at that time, age of petitioner No.1 (Hardeep Kaur), was of 17 years, and petitioner No.2 (Gurpreet Singh), was of 30 years.

Learned State counsel also points out that against petitioner No.2 already there is a case i.e. FIR No.258, dated 29.09.2012, under Sections 363, 366-A of IPC, stood registered at Police Station Patran, Distt. Patiala, but he is yet to be arrested.

Since, as per the contents of present petition, petitioner No.1 – Hardeep Kaur, is a minor girl, aged 17 years, this Court cannot keep silence as a mute spectator. Therefore, State is directed to file an affidavit to explain the status of investigation as mentioned in the reply, registered against petitioner No.2, and why he has not been arrested once, it is admitted position in the petition that petitioner No.1, who is a minor girl, is staying in a live-in relationship.

Adjourned to 21.04.2023. "

3. Learned State counsel refers to Paragraphs No.9, 10 and 13 of the status report and submits that relief claimed by petitioners cannot be granted to them because petitioner No.2-Gurpreet Singh is an accused in case FIR No.258 dated 29.09.2022 under Sections 363, 366 A IPC (which is now converted to Section 376 (2)(n) IPC and 6 of POCSO Act) registered at Police Station Patran, District Patiala. However, petitioner No.2 is yet to be arrested.

4. Counsel for the petitioners further submits that after recovery of the petitioner No.1-Hardeep Kaur from the Court Complex, Samana, District Patiala, her statement was recorded and she was also produced before the Illaqa Magistrate for recording her statement under Section 164 Cr.P.C.

5. Relevant Paragraphs No.9, 10 and 13 of the said status report are reproduced hereinbelow:

"9. That during the course of investigation, on 13.04.2023, the Investigating Officer received secret information that minor girl of complainant is seen in the court complex of Saman and then the raid was

conducted and minor girl was recovered. Her statement was recorded wherein she stated that Gurpreet singh alias deepa takes her away somewhere, otherwise her parents will perform her marriage with an older age boy. Then Gurpreet Singh alias deepa took her away at about 10:30 to 11:00 AM. Firstly they walking at Dirba and at the night Gurpreet Singh alias deepa made physical relations with her in the rest house at bus stand of village Molviwala kith her consent. Then they stayed at different Gurudwara's. Gurpreet singh alias deepa was keep moving at Delhi side along with her where they made physical relations with her consent. She stated that Gurpreet singh alias deepa never forced her for making physical relations with him. Today she was going to the court for recording her statement where on the gate of court, she have recorded her statement before investigating officer, which is signed by her and attested by investing officer.

10. That on the same day, she was produced before the illaga Magistrate, where her statement under section 164 Cr.PC were recorded wherein she supported the above said version.

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13. That during the course of investigation, on dated 14.04.2023, minor girl was produced before Child Welfare committee Patiala, where her statement was recorded and Child Welfare committee have passed the order to sent minor girl to Gandhi Vanita Ashram Jalander after the completion of medical examination regarding her pregnancy.”

6. In view of the fact that petitioner No.1-Hardeep Kaur is a minor girl and petitioner No.2-Gurpreet Singh is a wanted accused in a criminal case, as has been detailed in the status report filed today by learned State counsel; no relief claimed can be granted to the petitioners. Thus, petition stands dismissed.

7. Accordingly, petition stands disposed of.

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

(SANJAY VASHISTH)
JUDGE

April 21, 2023
k.nain

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No