

BIMLA RANI AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldip Singh, Advocate
for the petitioners.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This petition has been preferred invoking the jurisdiction of this Court seeking a direction to the respondents No.1 to 3 in particular for providing adequate security and police protection to the petitioners alleging threat to their life and liberty at the hands of private respondents No.4 to 7.

It is worth noticing here that respondent No.4 -Harmesh Singh is father whereas respondent No.5-Charanjit Kaur is her mother, two brothers of the petitioner No.2 have also been arrayed as respondents No.6 and 7 from whom the petitioners are alleging danger to their life.

The gist of the facts would unfold as petitioner No.2 to record that petitioner No.1 with his date of birth as 01.01.1982 is major whereas petitioner No.2 is minor girl having born on 15.07.2008 as could be made out from perusal of the Aadhar Card attached at Annexures P-1 & P-2.

It has been contended on behalf of the petitioners that the minor girl namely Sandeep Kaur-petitioner No.2 though wishes to continue study but respondents No.4 to 7 are forcing her to perform marriage with a boy of

their own choice without giving any weight to her choice and wishes. It is on account of her refusal to marry as per respondents wishes, she was given beatings as has been asserted by Sh. Aman Kumar, learned Advocate and finally ran out of her parental house and sought help from many other friends but no one agreed to provide shelter to her except petitioner No.1-Bimla Rani. It has been pleaded before this Court that petitioner No.1-Bimla Rani paternal aunt (Bua), is doing labour work for her livelihood. Specific assertion has been made before this Court that on 08.01.2024, the respondents no.4 to 7 forcibly entered the house of petitioner No.1 and gave beating apart from extending threat to their lives as well as to the family members of petitioner No.1. It is in such a circumstance facing eminent danger to life and liberty of petitioners, a representation was made to the Senior Superintendent of Police, Ferozepur on 08.01.2024 itself, a copy of which is available on record as Annexure P-3 alleging that respondents No.1 to 3 have not taken any action on the said representation, the present petition has been registered before this Court raising the question that whether official respondents are duty bound to protect the life and liberty of the petitioners and whether petitioners can be deprive of their fundamental rights as envisaged under Article 21 of the Constitution of India.

Heard learned counsel for the petitioners being conscious of the fact and concerned about the safety of petitioner No.2, who is just 16 years of age respondent No.2-Senior Superintendent of Police, Ferozepur was directed to produce both the petitioners in Court vide order dated 24.01.2024 and a direction was issued also to the effect that respondents No.4 to 7 be present in Court in person on the next date of hearing.

On 29.01.2024, an order was passed questioning the maintainability of the present petition at the behest of petitioner No.2, who is admittedly a minor and her relationship and proximity with petitioner No.1 to act as a next friend to her.

Though, the writ petition was sought to be withdrawn on 29.01.2024 but this Court chosen otherwise and decided to examine the case further having concern and larger interest of petitioner No.2 being a minor girl, as welfare of a minor is of paramount consideration before this Court, who has approached this Court to seek protection under Article 21 of the Constitution of India.

During the course of hearing, this Court got suspicious about the credential of petitioner No.1 and was apprehensive about the safety of petitioner No.2 with petitioner No.1 and accordingly petitioner No.2 was produced in Court though petitioner No.1 did not come present and instead sent her nephew to attend the proceedings and to assist Mr. Kuldeep Singh, learned Advocate for the petitioners.

Petitioner No.2 as well as respondents No.4 to 7 came present in Court on 29.01.2024 and age of petitioner No.2 undisputedly was determined to be 16 years, who is studying in 9th standard in Little Flower Convent School, Ferozepur. On a question before this Court, respondents No.4 & 5 (father and mother of petitioner No.2) denied having given any beatings or pressure of marriage to their daughter rather pleaded having utmost love and affection for her and showed their desire to continue her academic career.

This Court was stunned to know about the fact that respondent

No.4 denied any kind of relationship with petitioner No.1, who in clear words had stated that she is not her sister by any means and is rather a notorious lady who has brain washed mind of petitioner No.2, who actually wants their daughter to get married to her nephew, who was also present in Court.

This Court interacted with the minor girl-petitioner No.2 namely Sandeep Kaur in open Court and after doing a bit of counseling thereafter petitioner No.2 also denied the fact that she has ever been given beatings by her parents as well as respondents No.6 and 7, who are real brothers and the representation to the Police was made as tutored by petitioner No.1.

Though instead of acting in haste, this Court deemed it appropriate to make dead sure and decided to provide more space to the minor girl-petitioner No.2 to think over the situation, after the interaction and counseling session was done in the Court and accordingly, was directed to be kept at a safe place, which was suggested by the learned State counsel on instructions from the police official present in Court to assist that petitioner No.2 can be kept at One Stop-Sakhi Centre, Ferozepur and this Court directed accordingly. The matter was adjourned to 14.02.2024 while granting exemption to respondents No.4 & 5 from personal appearance.

On 14.02.2024, SI Gurdeep Kaur came present to assist Mr. Jasjit Singh Rattu, learned DAG, Punjab who stated that the lady Police officer SI Gurdeep Singh is in constant touch with petitioner No.2 who has shown willingness and is rather eager to go back to her parents. It was also informed to the Court by SI Gurdeep Kaur that the petitioner No.2 has also

talked to her parents on phone provided by SI Gurdeep Kaur during her stay at One Stop-Sakhi Centre, Ferozepur.

In the light of above, the State was directed to produce petitioner No.2 in Court on the next date of hearing.

It is on 19.02.2024, this Court again directed petitioner No.2- Sandeep Kaur, who was duly accompanied by SI Gurdeep Kaur, reiterating the stand taken by her showing inclination to accompany her parents categorically denying to live in the company of petitioner No.1.

Since, neither the counsel for the parties were present nor respondents No.4 and 5 were present in person, the hearing was deferred to 21.02.2024 on account of lawyers abstaining from work on a call given by the Bar Association of this High Court.

Today, petitioner No.2 along with her counsel as well as respondents No.4 and 5 appeared in person in Court. Petitioner No.2 happily consented to join her parents and went up to her father to pay regards and rather regretted for her wrongs. Petitioner No.2 categorically asserted in the presence of her counsel Mr. Kuldeep Singh, learned Advocate that she does not want to stay in the company of petitioner No.1 anymore and requested that she be permitted to go along with her parents from the Court itself.

It is under these circumstances and in the turn of events taken place during the course of proceeding on various dates before this Court, looking at the wishes and desire of petitioner No.2 namely Sandeep Kaur, aged 16 years, this Court also questioned respondents No.4 & 5, who assured the Court that neither they were ever opposed to the academic career

of her daughter nor have ever forced her for marrying with any boy. The petitioner No.2 also went to the extent of stating that the instant petition was preferred by her on the instructions of petitioner No.1 without knowing the contents of the same, this Court has no reason to disbelieve the stand taken by minor girl in the open Court and also in the presence of her counsel and her parents and therefore, allowed her to go along with her parents. Nevertheless it needs to be recorded here that even the respondents No.4 and 5 showed equal amount of readiness and desire to take their daughter along and since their cannot be any better guardian than the parents of a child, this Court allowed the petitioner No.2 to accompany her parents from the Court itself.

However, as far as role of petitioner No.1 and her nephew is concerned, the same seems to be tainted for which respondents No.4 & 5 will be at liberty to take recourse of law if at all they wish to initiate any action against them.

In the aforesaid terms, nothing survives in the present petition wherein petitioner No.2 denied the fact of any threat at the hands of respondents No.4 to 7 has rejoined the company of her parents, no direction is required as the essence of threat to life and liberty under Article 21 of the Constitution of India is not existing at all, the same is disposed off with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

21.02.2024
Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No