

2024:PHHC:049583
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-2816-2024
DECIDED ON: 05.04.2024

LOVEPREET SINGH AND ANOTHER
.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sumeet Puri, Advocate
for the petitioners (through VC).

Mr. P.S. Bhandari, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked for issuance of a direction to respondents No.2 to 4 to protect the life and liberty of the petitioners at the hands of respondent No.5-Nirmal Singh, who happens to be the father of petitioner No.2 namely Parwinder Kaur.
2. It is worth noticing here that Nirmal Singh, father of petitioner No.2, who has been arrayed as respondent No.5 from whom the petitioners are alleging threat to their lives and liberty.
3. It has been contended by learned counsel for the petitioners that parents of petitioner No.2 wants to marry her against her own wishes with an old age person in the State of Uttar Pradesh, who is aged about 16 ½ years only, as is evident from a copy of Aadhar Card (Annexure P-2), available with the petition.
4. Heard learned counsel for the petitioners being conscious of the fact and concerned about the safety of petitioner No.2, who is just 16 ½ years of age

respondent-State was directed to produce both the petitioners as well as respondent No.5-father of petitioner No.2 in Court vide order dated 01.04.2024 and a direction was issued also to file a status report after examining the allegation levelled in the present petition.

5. In compliance of the direction issued by this Court vide order dated 01.04.2024, both the petitioner as well as respondent No.5-father of the petitioner are present in Court and a status report by way of an affidavit of Prithvi Singh, PPS, Deputy Superintendent of Police, Sub Division, Dirba has been filed, which is taken on record.

6. On 01.04.2024, 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.

7. 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.

8. Petitioner No.2 as well as respondent No.5 came present in Court on today i.e. 05.04.2024 and age of petitioner No.2 undisputedly was determined to be 16 ½ years. On a question before this Court, respondent No. 5 (father of petitioner No.2) denied having given any beatings or pressure of marriage to his daughter rather pleaded having utmost love and affection for her.

9. This Court interacted with the minor girl-petitioner No.2 namely Parwinder Kaur in open Court and after doing a bit of counseling thereafter petitioner No.2 also denied the allegations levelled in the present petition against respondent No.5.

10. Today, petitioner No.2 along with her counsel as well as respondent No.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. Sumeet Puri, 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.

11. 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 Parwinder Kaur, aged 16 ½ years, this Court also questioned respondent No.5, who assured the Court that neither he ever forced her for marrying with any boy of his choice. 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 father and therefore, allowed her to go along with her parents. Nevertheless it needs to be recorded here that even the respondent No.5 showed equal amount of readiness and desire to take his 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.

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

13. In the aforesaid terms, nothing survives in the present petition wherein petitioner No.2 denied the fact of any threat at the hands of respondent No.5 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.

05.04.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No